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HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath MACQUARRIE

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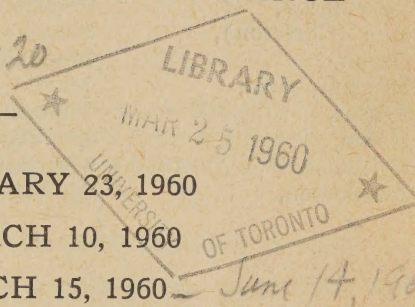
MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1-20

TUESDAY, FEBRUARY 23, 1960

THURSDAY, MARCH 10, 1960

TUESDAY, MARCH 15, 1960



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Respecting

The Subject-Matter of the Complaint Brought to the Attention  
of the House by Mr. Martin (*Timmings*) concerning the  
Publication of a Document by the Sperry and  
Hutchinson Company of Canada, Limited,  
and including the  
Second Report to the House

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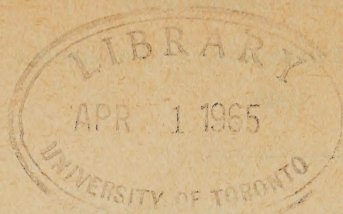
WITNESS:

Dr. P. M. Ollivier, Q.C., Law Clerk and Parliamentary Counsel.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



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STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Johnson,  
Kucherepa,  
Mandziuk,  
Martin (*Timmins*),  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Wolliams.—29.

(Quorum 8)

E. W. Innes,

*Clerk of the Committee.*

*Note:* Mr. Howard was appointed to the Committee on February 16, 1960 but his name was replaced by that of Mr. Martin (*Timmins*) prior to the first meeting.



## ORDERS OF REFERENCE

HOUSE OF COMMONS,  
TUESDAY, February 16, 1960.

*Resolved*,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,  
Hodgson,

Howard,  
Johnson,  
Kucherepa,  
Macquarrie,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,  
Meunier,

Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Valade,  
Webster,  
Woolliams—29.

(Quorum 10)

*Ordered*,—That the said Committee be empowered to examine and inquire into all such matters and things as may be referred to it by the House; and to report from time to time its observations and opinions thereon, with power to send for persons, papers and records.

TUESDAY, February 16, 1960.

*Ordered*,—That the subject-matter of the complaint brought to the attention of this House by the honourable Member for Timmins (Mr. Martin) on the 15th and 16th of February, 1960, concerning the publication of a document by the Sperry and Hutchinson Company of Canada Limited be referred to the Standing Committee on Privileges and Elections for appropriate action.

THURSDAY, February 18, 1960.

*Ordered*,—That the name of Mr. Martin (Timmins) be substituted for that of Mr. Howard on the Standing Committee on Privileges and Elections.

TUESDAY, February 23, 1960.

*Ordered*,—That the Standing Committee on Privileges and Elections be empowered to print such papers and evidence as may be ordered by it, and that Standing Order 66 be suspended in relation thereto; and that the quorum of the said Committee be reduced from 10 to 8 Members, and that Standing Order 65(1)(a) be suspended in relation thereto.

Attest

LÉON J. RAYMOND,  
*Clerk of the House.*



## REPORTS TO THE HOUSE

TUESDAY, February 23, 1960.

The Standing Committee on Privileges and Elections has the honour to present the following as its

### FIRST REPORT

Your Committee recommends:

1. That it be empowered to print such papers and evidence as may be ordered by the Committee, and that Standing Order 66 be suspended in relation thereto.

2. That its quorum be reduced from 10 to 8 members and that Standing Order 65 (1) (a) be suspended in relation thereto.

Respectfully submitted,

HEATH MACQUARRIE,  
*Chairman.*

TUESDAY, March 15, 1960.

The Standing Committee on Privileges and Elections has the honour to present the following as its

### SECOND REPORT

On Tuesday, February 16, 1960, the House of Commons adopted the following Order:

"That the subject-matter of the complaint brought to the attention of this House by the honourable Member for Timmins (Mr. Martin) on the 15th and 16th of February, 1960, concerning the publication of a document by the Sperry and Hutchinson Company of Canada Limited be referred to the Standing Committee on Privileges and Elections for appropriate action."

Respecting the publication of a document by the Sperry and Hutchinson Company of Canada Limited, your Committee finds that there has been a breach of the Privileges of this House committed by Byrne Hope Sanders in that she is responsible for the printing and circulation of a misrepresented report of the House of Commons Debates. Your Committee is of the opinion that she has published as a Report something which is made to appear as an authorized and official version, which it is not; and also that she has failed to obtain from the proper authorities permission to reproduce the cover of a document belonging to the House of Commons.

However, in view of the new and exceptional circumstances of the case, and in view also of the explanations offered by the offender and of her expression of regret contained in a letter of apology addressed to the Chairman and members of the Committee, your Committee is of the opinion that the House would best consult its own dignity by taking no further action in the matter.

A copy of the Committee's Minutes of Proceedings and Evidence, in relation to this Order of Reference, is appended.

Respectfully submitted,

HEATH MACQUARRIE,  
*Chairman.*



## MINUTES OF PROCEEDINGS

TUESDAY, February 23, 1960.

(1)

The Standing Committee on Privileges and Elections met for organization purposes at 10.30 a.m. this day.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Godin, Henderson, Hodgson, Kucherepa, Macquarrie, Mandziuk, Martin (*Timmins*), McBain, McGee, McWilliam, Meunier, Montgomery, Nielsen, Ormiston and Richard (*Ottawa East*)—18.

Mr. Richard (*Ottawa East*) moved, seconded by Mr. Mandziuk,

That Mr. Heath Macquarrie do take the Chair of this Committee as Chairman.

On motion of Mr. McBain, seconded by Mr. Montgomery,

*Resolved*,—That nominations cease.

The motion of Mr. Richard (*Ottawa East*) was then resolved in the affirmative and Mr. Macquarrie, being duly elected Chairman, took the Chair.

The Clerk of the Committee read the Orders of Reference.

On motion of Mr. Hodgson, seconded by Mr. McBain,

*Resolved*,—That Mr. Georges Valade be appointed Vice-Chairman of this Committee.

On motion of Mr. Kucherepa, seconded by Mr. Bell (*Carleton*),

*Resolved*,—That permission be sought to print such papers and evidence as may be ordered by the Committee.

Certain members of the Committee pointed out that often in the past the *French* copies of Committees' printed proceedings have not been available until many months after the English copies were distributed. The Chairman undertook to see what could be done to expedite the translation and printing of this Committee's records.

On motion of Mr. Richard (*Ottawa East*), seconded by Mr. Bell (*Carleton*),

*Resolved*,—That a recommendation be made to the House to reduce the quorum from 10 to 8 members. *Carried on division.*

On motion of Mr. Montgomery, seconded by Mr. Mandziuk,

*Resolved*,—That a subcommittee on Agenda and Procedure, comprised of the Chairman and 6 members to be named by him, be appointed.

The Committee decided to postpone its decision on the question of seeking permission to sit while the House is sitting.

On motion of Mr. Montgomery, seconded by Mr. Bell (*Carleton*),

*Resolved*,—That the subject matter of the complaint referred to in the Committee's Order of Reference of February 16, 1960 be referred to the Subcommittee on Agenda and Procedure for consideration.

At 10.55 a.m. the Committee adjourned to the call of the Chair.

THURSDAY, March 10, 1960.

(2)

The Standing Committee on Privileges and Elections met at 11.00 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present*: Messrs. Aiken, Barrington, Bell (*Carleton*), Caron, Henderson, Hodgson, Johnson, Kucherepa, Macquarrie, Mandziuk, Martin (*Timmins*), McBain, McGee, McIlraith, Meunier, Pickersgill, Richard (*Ottawa East*), and Webster.—18.

The Chairman announced that the following members have been chosen to act with him on the subcommittee on Agenda and Procedure: Messrs. Richard (*Ottawa East*), Martin (*Timmins*), Valade, Aiken, Bell (*Carleton*), and Webster.

On motion of Mr. Bell (*Carleton*), seconded by Mr. Henderson,

*Resolved*,—That pursuant to its Order of Reference of February 23, 1960, the Committee print 750 copies in English and 200 copies in French of its Minutes of Proceedings and Evidence.

The Chairman indicated that the necessity for having the Committee's printed proceedings available immediately in both official languages, has been brought to the attention of the proper authorities.

The Committee proceeded to the consideration of the following Order of Reference:

That the subject-matter of the complaint brought to the attention of this House by the honourable Member for Timmins (Mr. Martin) on the 15th and 16th of February, 1960, concerning the publication of a document by the Sperry and Hutchinson Company of Canada Limited be referred to the Standing Committee on Privileges and Elections for appropriate action.

A letter of apology addressed to the Chairman of the Committee by Byrne Hope Sanders was read into the record.

Mr. Aiken moved, seconded by Mr. Martin (*Timmins*), that the apology be accepted, and that this Committee continue the sitting "*in camera*" to consider its "Report to the House".

Following discussion Mr. Aiken's motion was allowed to stand.

On motion of Mr. Hodgson, seconded by Mr. McIlraith,

*Resolved*,—That the Committee meet, at the call of the Chair, with the Law Clerk of the House of Commons in attendance.

At 12.00 noon the Committee adjourned to the call of the Chair.

TUESDAY, March 15, 1960.

(3)

The Standing Committee on Privileges and Elections met at 11.00 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Fraser, Godin, Grills, Henderson, Hodgson, Macquarrie, Mandziuk, Martin (*Timmins*), McBain, McGee, McIlraith, Montgomery, Nielsen, Ormiston, Pickersgill, Richard (*Ottawa East*) and Woolliams.—20.

*In attendance:* Mr. P. Maurice Ollivier, Q.C., Law Clerk and Parliamentary Counsel; and his assistant, Mr. R. J. Batt.

The Committee resumed consideration of the subject matter of the complaint of Mr. Martin (*Timmins*) respecting the publication of a document by the Sperry and Hutchinson Company Limited.

On Motion of Mr. Nielsen, seconded by Mr. McBain,

*Resolved*,—That the document referred to in the Committee's Order of Reference of February 16, 1960, be identified as Exhibit "A" and printed as an appendix to this day's Minutes of Proceedings and Evidence. (*See Appendix "A" to today's Evidence.*)

The Chairman introduced Dr. Ollivier, who read a prepared statement respecting the privileges of Parliament as they relate to the matter before the Committee.

The witness was questioned and discussion followed.

Mr. Aiken's motion of March 10, 1960 was further considered and, by leave of the Committee, he was permitted to re-word it as follows:

"That this Committee continue the sitting *"in camera"* to consider its "Report to the House".

The re-worded motion was adopted.

The Committee accordingly resumed *"in camera"*.

A draft report was submitted for consideration and revision.

Following discussion and clarification on certain points, the Chairman was instructed to present the amended Report to the House.

At 12.15 p.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, March 10, 1960.

The CHAIRMAN: Gentlemen, seeing a quorum and being assured it is now 11 o'clock, we will commence our meeting.

I would like to say that pursuant to your instructions of the last meeting I have selected a sub-committee or steering committee consisting of Messrs. Richard, Martin, Bell, Aiken, Valade and Webster.

I would also like to report that at a meeting of Chairmen of Committees this morning I sought to carve out for this committee time for meetings on Tuesday and Thursday mornings at 9.30. It is conceivable that the day may come when two meetings a week will not be sufficient; but, as a commencement, we have these two tentatively set aside for this, the premier committee of the House of Commons, as a reference to Beauchesne's will readily indicate.

At our last meeting we sought a general reference for power to print and, at that time, no fixed number was given consideration. It is thought that 750 copies in English and 200 in French might suffice for the needs of this committee.

Mr. BELL (*Carleton*): I so move.

Mr. HENDERSON: I second the motion.

The CHAIRMAN: It has been moved by Mr. Bell and seconded by Mr. Henderson that pursuant to its order of reference of February 23, 1960, the committee print 750 copies in English and 200 copies in French of its minutes of proceedings and evidence. I might say that the suggestion of Mr. Richard, as to the advisability of having the copies in French available as soon as possible, has been passed along.

You have heard the motion, gentlemen; all in favour?

Motion agreed to.

The CHAIRMAN: The item before us is reference from the house, and I would like to report that as the Chairman of your committee I have received a letter from Byrne Hope Sanders which I would like to read to the committee at this time.

Mr. McILRAITH: Since this is the first meeting with a printed record, is the order of reference being printed in the proceedings before you read the letter?

Mr. BELL (*Carleton*): It will be in the minutes of our last meeting.

The CHAIRMAN: We had it read at our last meeting and I think that will precede the report of this meeting.

Mr. McILRAITH: I assume that it will be in the same document.

The CHAIRMAN: Yes, Proceedings No. 1.

Your election as chairman of the Committee of Elections and Privileges gives me an opportunity to write an apology for the unwitting affront to parliament, I committed in reproducing the front page of *Hansard*. The realization of what I did, has caused me deep concern, and I am expressing very sincere apologies to you and your committee.

I assure you I had no idea that I was doing anything out of order. I believed that *Hansard*, as a report of our parliament in action, was public property. It may seem strange to you that someone who has been connected with publishing and reprinting all her business life, had never heard of the ruling in regard to *Hansard*—but I give you my word that this is the case.

I am sorry to have caused so much trouble. I can only hope that the attention which has been drawn to my lapse may be of some help in spreading information in regard to parliamentary rules for reprinting *Hansard*.

I feel I should make one more statement. The idea of using *Hansard* as a reprint was my own idea, and mine alone. No person other than myself, had any idea that I was reproducing it in this way.

Sincerely,

“Byrne Hope Sanders”  
Consultant.

This is the only communication on this subject that we have received.

Mr. AIKEN: Mr. Chairman, the apology seems to be fairly complete and sincere. I would think that no further action need be taken in the way of calling witnesses, or anything further along that line. I would suggest, Mr. Chairman, that we accept the apology contained in the letter, and I would move that we go into camera to prepare a report to the house.

Mr. MARTIN (*Timmins*): I will second that motion. However, there is one minor point which I would like to mention. I notice that the apology is to the committee rather than to the house and I thought this was a point I should mention at this time.

Mr. WEBSTER: Was it not addressed just to the committee?

Mr. MARTIN (*Timmins*): As I heard it, the apology was to the committee rather than to the house. It is just a matter of mentioning it.

Mr. AIKEN: I wonder, Mr. Chairman, if you would have the first paragraph read back in order that we may see to whom it is addressed.

The CLERK OF THE COMMITTEE: It is addressed to Heath Macquarrie, M.P., Chairman, Committee on Elections and Privileges, House of Commons, Ottawa, Ontario, and reads as follows:

Dear Mr. Macquarrie:

Your election as chairman of the Committee of Elections and Privileges gives me an opportunity to write an apology for the unwitting affront to parliament I committed in reproducing the front page of *Hansard*. The realization of what I did has caused me deep concern, and I am expressing very sincere apologies to you and your committee.

Mr. AIKEN: I do not think the apology is limited.

Mr. McILRAITH: Mr. Chairman, I have a few questions, and I presume this is the place to raise them, now that the motion has been formally put. First of all, have we a copy of the offending publication here? Has anyone a copy of it? Have you?

Mr. MARTIN (*Timmins*): No.

Mr. McILRAITH: It should be before the committee before we can deal with it.

The CHAIRMAN: This is the house copy.



Mr. MCILRAITH: May I have a look at it for a moment?

The CHAIRMAN: Mr. Martin's copy is here.

Mr. MCILRAITH: I have several points which I would like to raise at this time. I read about this letter, which has just been read, in the newspapers, but I had never seen or heard anything about it other than that. Frankly, I do not like the letter. First of all, it asks us to believe there was an unwitting affront from an experienced woman who was here all during the war years and who dealt in a very close and intensive way with government activities. However, there it is.

Then, the apology is limited to the reproduction of the front page of *Hansard*, which is part of the subject matter and the main offence. But why should it be limited in that way?

Mr. MANDZIUK: Is that the only objection which was taken?

Mr. MCILRAITH: May I finish. The apology is limited in very narrow terms. Surely the question about believing it to be public property—of course, it is *Hansard* property—is not the point at issue; the point is whether she offended the rules and practices here, the privileges of parliament, by misusing that document and misrepresenting it to the public in a way that was offensive to the privileges of parliament. That is the point in issue.

In any event, I was going to suggest that surely, before the subject matter is dealt with as a subject matter by the committee, it is not good enough—and I am sure Miss Sanders would agree—to conclude the matter by having the newspapers advise that Mr. Macquarrie had been appointed our chairman and read that letter, which was sent to him. Surely the committee must go further and must see—and would imagine Miss Sanders would wish this as well—that an apology in the language of the breach committee is addressed to the appropriate party which, I presume, in this case would be the Speaker of the House of Commons. That is a point which I would like to discuss later.

This matter should be tidied up carefully and in a rather careful manner. I think this is important enough to be worth doing, because the reprint is certainly intended or calculated to mislead. It was intended to be a publication of a speech made by an honourable member of the House of Commons, favouring trading stamps, and it is put out as something else altogether. Surely that kind of breach of privilege cannot be treated just in the way suggested in the motion, which is really, in essence, saying: let's get this business out of our hands, get away from it, and not really deal with it at all.

Mr. Chairman, I would like some care taken in working out exactly what should be done in this matter, from here in.

The CHAIRMAN: Well, I am sure the committee is empowered to take such care as it deems fitting, and that is the purpose of our meeting.

Has any other member of the committee any comment to make on the motion?

Mr. AIKEN: I have just one thing to say in regard to what Mr. McIlraith has said. He mentioned that she might have addressed this apology to Mr. Speaker or someone else.

Mr. MCILRAITH: No, that was not what I said. What I said was that now it is clear that she wishes to apologize, and has tried to, and that the apology should be properly directed, in proper language and, I presume, "properly directed" would be to Mr. Speaker.

Mr. AIKEN: The point I was going to raise is that she did take the very first opportunity she had of addressing a letter of apology to someone entitled to receive it, and I think that if she had not done that she might have been censured for delay.

Mr. MARTIN (*Timmins*): On the question which Mr. McIlraith raised in connection with the affront made, I would suggest that the greatest fault of this particular document is the reproduction of the front page for this reason, that it imputes that both the Speaker of the house and the Queen's Printer are lending their endorsement to this one favourable speech of all the speeches that were made on the subject. Also, I think this particular case is not as bad as what could possibly lead from it. I am thinking particularly that if there had been, say, three different speeches in favour of these trading stamps and they had photographed these three and condensed them into one, it would be a much more serious offence. However, there were not three speeches so you can assume only what would have happened in that case.

I think those are the most serious parts of it—first, imputing that both Mr. Speaker, the Queen's Printer and, of course, the courts of Canada, lend their endorsement to this and, secondly, the practice it would open up. For example, supposing an organization could search diligently through Hansard and find remarks from certain honourable members, condense that for reproduction and distribute it around the country. That is the dangerous thing that this practice opens up. However, this case, in itself, was an actual reproduction of a complete speech and I do not think it was as serious as it could become.

Mr. KUCHEREPA: There is one point which I would like to bring up here. It has been stated by Mr. Martin that this is a complete text of what was said in Hansard with the only addition, as I see it, of the arrow marks and to whom it is credited, on page 364. In what way would that differ from a citizen obtaining copies of Hansard and putting on their compliments?

Mr. McILRAITH: The whole routine of this front page is that this is Hansard, No. 9 of volume 104 and, of course, it is nothing of the kind. It is an attempt to take an excerpt out of Hansard—one speech. The point you raised is adequately covered by what is printed on the front. That is one of the legal points that should be covered in the apology. In other words, this is just another of the small but important abuses that would grow out of this, if this thing were not carefully cleaned up now. It looks like a photographed copy of the front page of Hansard; and then there are the two inside pages, with super-imposed arrows. But all of the rest purports to be missing.

As Mr. Martin very aptly pointed out, it would be possible, if we did not check this thing, to take paragraphs out of their context in speeches and put them out as if they were the official publications of Hansard and not excerpts at all, and that they had the approval of Mr. Speaker, the Queen's Printer and so on.

That is why, Mr. Chairman, I would like to see appropriate care taken in dealing with this matter.

My friend raised the question about Miss Sanders taking the first opportunity to apologize. There is no doubt about that, and I am not suggesting she did not take that. But we have a duty to the House of Commons, and that is our duty.

I think we have to look into this matter further and I would like to ask you, Mr. Chairman, if you have obtained an opinion from the law clerk of the house as to exactly what breaches of privilege are involved in this matter. It seems to me that should be done, and then those breaches of privilege should



be appropriately dealt with in a way that would involve an apology and protect the position of the House of Commons vis-a-vis its privileges in the future.

Mr. CARON: It would appear to me that there is bad feeling on the part of those who published this matter. There is a small arrow pointing to the fact that they favour the stamps, but when it comes to remarks that are unfavourable to the stamps, they have a big arrow which blanks out a few sentences, which we cannot make out. It seems to be put there with purpose so that people would not read anything unfavourable about the stamps. That, to me, is the worst part of it.

Mr. HENDERSON: I think we are making a mountain out of a mole hill. The woman apologizes and seems to have done so in good faith, and that is that. Why do we waste a lot of time about it now?

Mr. PICKERSGILL: Mr. Chairman, I would like to say a word about the issue which has been raised. It is not only a question of protecting the privileges of the House of Commons; there is a very much bigger issue raised here. I must confess that I was rather astonished at the opinion expressed by the Prime Minister—which is probably correct; I do not know—that no right existed in the citizen to publish freely. I do not mean to reproduce the cover. I agree that it is a shocking thing to do—to pass it off as though it were something they sent. That is false pretences. But I do think that if it is not now a right of any Canadian citizen, who wishes to do so, to reproduce freely anything that the representatives of the people say in the House of Commons, we should recommend to the house that steps be taken as quickly as possible to see that that right is confirmed. The Prime Minister said that he was giving his opinion of the state of the law, and he said that question had never been settled.

I think one could argue that the fact that every publication of the House of Commons is paid for by a vote, which is approved by the commissioners of internal economy of the House of Commons, makes those things public documents, and this is an authorized version of what took place. But that would not necessarily in itself give anyone outside parliament a right freely to reproduce for false pretences what is said in proper circumstances. I do feel that if we are going to talk about a bill of rights in this parliament, one of the most fundamental rights of any citizen surely should be to publish freely what goes on in the parliament where his country's affairs are being discussed, and that a very much bigger issue, even, than the issue of this publication, has been raised and brought before us by this matter.

I agree with Mr. McIlraith that we should be very very careful in any report we make to ensure that we lay down clearly what cannot be done; that is to say, that no one can reproduce the cover. But, also, I agree that we should be equally jealous of the rights of the citizen to reproduce what is said in parliament in any proper circumstances of publication, as opposed to using it for advertising purposes or for false pretences which, I assume, would be covered by the Criminal Code.

Mr. JOHNSON: Before condemning the Prime Minister's statement, I would like to add something to that.

Mr. PICKERSGILL: I am do not doing that.

Mr. JOHNSON: You should make a difference between the reproduction of public documents and quoting them, before we start raising legal points in this committee.

Mr. PICKERSGILL: I do not want to be unfair. It was clear from the Prime Minister's statement that he was not satisfied on the point either, and he said it was a question of doubt. Well, it never occurred to me before that there was any doubt about the matter; that is what I was saying. But once that doubt was raised it seems to me it is an important thing to resolve, and to

resolve finally and definitely; because if we are going back to the days before Wilke's letter to the North Briton to say that the newspapers cannot publish our proceedings, then I do not think that is a state of affairs in which anyone in this committee would want to be a part.

Mr. KUCHEREPA: He did qualify his remarks by saying it was custom of usage.

Mr. PICKERSGILL: There is no doubt about that; but if some day the Ottawa Citizen could be haled into court over this matter it seems to me that as this issue has been raised it ought to be resolved.

The CHAIRMAN: If I may be pardoned for an expression of opinion, Mr. Pickersgill has made some very interesting comments. But do you not have any doubts as to our order of reference being sufficiently broad to encompass these.

Mr. PICKERSGILL: I must say that I have not given consideration to that point, and I would not, without examining it very carefully. I would not presume to express an opinion. I do not think objections would be made to anything ancillary to this problem. I do not think it is apt to be a matter of controversy; it may be objective. Surely the objective we all have is to see that people are told they cannot reproduce for other purposes the cover of Hansard and make it look as though it were Hansard itself. I think we all agree that should not be done; but I am sure that every member of parliament also agrees that every citizen should be free in the ordinary way of publication, to know that he is free, and has the right to reproduce anything in proper circumstances either by word of mouth, over the radio, in the newspapers or on the public platform, or what we say in the house.

Mr. HODGSON: That would include members of parliament or anyone else who gets 1,000 or 5,000 copies of his speech in Hansard published, and mailed out to this riding.

Mr. PICKERSGILL: Yes.

Mr. MARTIN (*Timmins*): Another point I wish to raise is this. Does not the Queen's Printer have a copyright on the cover of Hansard?

Mr. McILRAITH: That is the sort of thing we do not know. The committee should find out.

Mr. MARTIN (*Timmins*): If you get a reprint it does not have the crest, even though it is printed by the Queen's Printer, at the expense of the member. It does not have the crest of Canada on it and, of course, it does not have the name of the Speaker, or anything of that nature.

The CHAIRMAN: I can assure you that your chairman is not going to give any off-the-cuff opinion in regard to these matters. I was going to say that I was not even a lawyer, but that might be a reflection on some of the members.

Mr. AIKEN: If I understand it correctly, there is no doubt about the right of any person to quote parts of Hansard. I think that is done all the time. And I think there is no doubt about the right of a person to pick out parts of Hansard and leave out others, and paraphrase speeches. That is done all the time by reporters. I am wondering where the breach of privilege commences. Is it one of two things? Is it the photographic reproduction of parts of Hansard or is it only the reproduction of the cover? It seems to me that is the only thing to which it boils down and, if we are going to go into this realm—which may be beyond our reference—that is the only thing we have to decide.

Mr. CARON: There is another point in regard to the reproduction of the cover. There is the matter of the members reproducing a speech which they send to their electors, and they reproduce the first page of Hansard.



Mr. PICKERSGILL: No, it is not; it is labelled "extract". The first page is never there. My recollection is that half the page is taken up with a description to the effect that it is an extract from Hansard and a speech of so and so's.

Mr. JOHNSON: And usually the member's name is in large letters.

Mr. PICKERSGILL: Although I am speaking from recollection—and Mr. McIlraith may remember this—I believe that certain regulations were laid down that you could not put in your picture or illustrations, and you were not allowed to put in sub-heads.

Mr. McILRAITH: If printed by the Queen's Printer.

Mr. PICKERSGILL: Yes.

Mr. McILRAITH: Another thing that is put on is to the effect that it is not printed at public expense. There are a dozen points which have to do with the reproduction.

Mr. BELL (Carleton): Where are these regulations found? Are they found in the report of the joint committee on printing or debates?

Mr. PICKERSGILL: I ought to know—but I do not—because I was once the minister in charge of the Queen's Printer, and I assumed the Queen's Printer always carried out the law, because the question never arose during that year.

Mr. MCGEE: Perhaps I can throw some light on this. Recently I had occasion to request a reprint of a speech after the five-day period had elapsed. I was told this was not possible and that it flowed from the decision of the debates committee. This is a standing committee of the house and it has not met for some time. I think the answers to those questions will be found in the minutes of the debates committee.

Mr. MANDZIUK: I am not clear in my mind as to some of the principles enunciated by the different gentlemen who have taken part in this discussion. It seems to me that the contents of any speech or address in the House of Commons can be reproduced and repeated on the platform or anywhere else. The press has free access to it. According to our terms of reference, the only thing we had to decide upon is this front page. We know why Miss Sanders did this; it was for publicity purposes to advertise the trading stamps. However, an ordinary average person who read this document would get the impression that the Speaker of the House of Commons and the Queen's Printer thoroughly approved and agreed with its contents. Aside from this front page, I do not believe there should be any attempt to bridle Canadians or prohibit them from reproducing anything that has been said in the House of Commons. We do that every day.

Mr. McILRAITH: No one has ever said that. It is a matter of getting together and spelling out exactly what the rules are, and this goes back to the point I originally made. During the last few years we seem to have gotten away from the practice of using our officers of parliament. We have an officer of parliament, who is not a civil servant. He is the law clerk, and I would like the committee to have the fullest technical information as to exactly what the state of the regulations or law is, and whether any statute, minutes of debates, committees or otherwise throw any light on this whole subject because, as I read the reference, it is that the subject matter of the complaint brought to the attention of this house by the honourable member for Timmins, Mr. Martin, on February 15 and 16, 1960—and that includes both his speeches—concerning the publication of a document by the Sperry and Hutchinson Company of Canada Limited be referred to the standing committee on privileges and elections for appropriate action. Surely that raises the whole gamut, because the document raises every kind of point of which you could think in regard to the right of reproduction. All these questions should be answered—what identification is needed; who paid for it; whether you can

photostat the cover or whether you can put it out in the form that bears the names of the Speaker and the Queen's Printer. There are all sorts of things.

I was going to suggest, Mr. Chairman, that the committee get the kind of technical assistance and help it requires in connection with this highly technical matter so that when we take our move toward accepting the apology and dealing with the apology that has to be forthcoming it will be done in a way that will make it clear for future use exactly what these rights of reproduction are. I see this as a matter where a great deal of damage can be done both to the rights of the public, who have the clearly defined right of republication, and to the rights and privileges of the House of Commons, if we do not deal with the matter carefully and thoroughly.

Mr. BELL (*Carleton*): Are we not discussing really a matter of procedure and not of substance here? The procedure suggested by the honourable member, Mr. Aiken, who moved the motion, and seconded by Mr. Martin, is that we proceed to consider a report; and these matters can be considered when we are considering a draft report. I agree that we have a duty to state to the House of Commons what are the privileges of parliament and what are the rights of a citizen in relation to this whole matter, but I do not see how we can do that by simply talking, as we have been, for the last while in this way. We have to get some draft report in front of us and proceed to see whether a draft report prepared by the chairman does, in fact, state this. If not, then the committee can use the appropriate language specifically and in proper terminology to state what are, first, privileges of parliament and, secondly, the rights of the citizen.

Mr. PICKERSGILL: I agree with almost everything you have said, with one exception. I think Mr. McIlraith is quite right, that before we can proceed as laymen—and we are all laymen in this field—to make an intelligent report on this subject, that we should know what the state of the law is at the present time. We have an officer who is paid a salary by the treasury, who is able to advise us on the state of the law. He is our own law officer, and I do feel that before we proceed further with this matter we should authorize the chairman to see the law officer so that he may give to us a memorandum indicating clearly what the state of the law is at the present time with respect to the reproduction in any form of the proceedings of the House of Commons.

Mr. RICHARD (*Ottawa East*): Surely, Mr. Chairman, the law clerk cannot do very much. I think the state of the law is very clear that anyone can reproduce excerpts or full speeches from the House of Commons. The newspapers are reproducing whatever they wish every day. They reproduce in part. Sometimes I object and sometimes you object; they only reproduce the paragraphs they wish.

Mr. PICKERGILL: I never object, Mr. Richard, never.

Mr. RICHARD (*Ottawa East*): Well, you are not thin-skinned.

The major thing is the cover; and one of the things that has not been mentioned is the crest on the front. Under the Trademarks Act no one can reproduce the crest of Canada. That is one point. Secondly, everything that is contained in the cover, assembled the way it is, is subject to copyright, but reproducing the crest is an offence against the Trademarks Act. He will tell you that, and no more.

Mr. MCILRAITH: Well, let us hear it from him.

Mr. PICKERSGILL: Both Mr. Richard and Mr. Mandziuk have said that no one has called into question the right of the press or the public to reproduce our proceedings but, if I may differ with them, that does not happen to be true. The Prime Minister said in his speech in the house this was a matter of doubt and, if someone has the words there, I think they should be read



because, after all, the Prime Minister is an eminent lawyer. He has looked into this much more than the rest of us, and he did say this was a matter of doubt. Because he said this, it seemed to me to raise such an important point that, when he said it in the debate referring this matter to the committee, he surely intended us to take some notice of it.

That is why I feel we ought to take some notice of it because, in my judgment, it is really a far more important point than the question of whether someone inadvertently or deliberately reproduced the cover of Hansard. If, in 1960, it is not the law of Canada that the newspapers may punish, as a right, whatever we say in the House of Commons—

Mr. McILRAITH: It is time it was made a right.

Mr. PICKERSGILL: —I think it ought to be.

Mr. McILRAITH: At page 1101 of Hansard, the Prime Minister said:

The question as to whether the publication of debates in parliament is a breach of the rights of parliament has never been decided, as I read the records of parliament.

An he went on to quote certain authorities.

Mr. PICKERSGILL: I am sure the Prime Minister would be the first person who would want to have any doubt removed. I am sure he was like the rest of us, in that the subject was never brought to his attention until this matter came up.

The CHAIRMAN: Well, it is for me to seek my committee's guidance as to procedure in the matter. It would appear that there are those who feel that a referral of the matter to the law clerk, in some form, would be better.

Mr. McILRAITH: Oh no—not "referral"; but bring him before the committee to give technical advice and information on the doubtful legal points.

The CHAIRMAN: There is of course the problem that what we are perhaps as much concerned with as the legal problems are questions of privilege.

Mr. McILRAITH: He is the only officer of parliament authorized to advise us on that. It is part of his duty, for which he is paid—

The CHAIRMAN: I am aware of that.

Mr. McILRAITH: —and for which his position was created. Why we do not have him here, I do not know. In the other place they have their law clerk attend all their committee meetings, or at least their important committee meetings, when any question is likely to be raised. For some reason, however, we have fallen out of that practice—although it was a comparatively common one in earlier days. I would like to see him brought here, to give us the benefit of his professional advice, on a subject that falls squarely within his professional duties.

The CHAIRMAN: There is a motion before the committee at this time.

Mr. HODGSON: I so move, Mr. Chairman.

The CHAIRMAN: There is a motion before us.

An Hon. MEMBER: Move an amendment, then.

Mr. CARON: Perhaps the motion could stand for the present, because there is no hurry that we decide today. Then, while the motion is standing we can get the information from the law clerk. We could then decide next week. Already some time has elapsed, so it will not matter, at all.

Mr. AIKEN: As I see it, we are discussing two things, and we are becoming confused. One is a specific matter of referring to Miss Sanders, on which the committee appears to be in agreement. The second branches out into a general statement as to what the privileges of parliament are.

My motion was directed principally to the first item, namely to deal with the disposition of a specific complaint. I have no objection to letting it stand, if we feel that we should go into the second branch of the matter, and try to bring in a solid statement, if we can do so, as to what the privileges of the house are, and the rights of publication.

Mr. HODGSON: I so move—that the chairman call another meeting within a day or two, at which time he can have the law clerk here to advise us on the situation.

Mr. WEBSTER: Do you propose holding up the acceptance of the apology from Miss Sanders until we have heard the law clerk?

Mr. CARON: Yes, because it may help in redrafting the motion which has been placed before the committee today—after we have had that information. I say that, because if we accept the apology today it closes the matter out. I do not think we can go further if the matter is closed—unless we go to the house and ask permission to go on. There may be doubt in that, but—

Mr. BELL (*Carleton*): What is being suggested? Is it suggested that we have the law clerk here to give evidence, or is it that we have him with us to advise us when we are preparing our report?

It seems to me it should be the latter, when we are trying to state in careful and precise language the nature of the report on which we need his advice. If that is so, then this motion as it stands, put by Mr. Aiken, might be proceeded with. Then we could proceed at a later stage with the draft report in front of us, to see whether the language expresses exactly our views, in the light of the legal advice the law clerk has given us.

Mr. CARON: Are you not under the impression that if we deal with the matter, then we are accepting the apology, and that that closes the matter?

Mr. BELL (*Carleton*): We are not accepting the apology; we are simply going ahead to draft the report.

Mr. AIKEN: Could the motion be read back?—And the motion by Mr. Aiken having been read by the Committee Clerk—

Mr. McILRAITH: Answering Mr. Bell's question as to why this matter of the law clerk was raised, I would say that it was raised in order that we might know what report should be prepared. It must be dealt with as a preliminary matter. Because if the motion that has been read is dealt with, then it is obvious that we imbed the language of the apology in the rules and practices for the future; and I do not know whether it is the appropriate language to imbed in practices for the future. I simply do not know.

I do not see how we can accept the motion, or agree to the motion to accept her apology, which is stated in writing, and prepare a report on it, and then call in the law clerk at that stage.

We must call him in now to make sure that the language used is in accordance with that we wish to have set out by way of clarification of this subject, and it may or may not involve Miss Sanders' letter of apology.

Mr. PICKERSGILL: I would like to say a word on the point raised by Mr. Hodgson. I listened to the motion and it seems to me it is right. I would suggest that we accept Mr. Aiken's offer to let it stand for the time being because it seems to me if we did carry this motion that all we could do from now on in connection with this matter is to meet in camera and prepare a report, and then our reference is over. I had gathered the impression that most of the members of the committee felt that would not be a satisfactory way of disposing of it. If we could all agree to accept Mr. Aiken's offer that he would let his motion stand, I would be glad to second the motion Mr. Hodgson has made, in any form that is agreeable to the committee.



Mr. MARTIN (*Timmings*): I think that point is well taken. If we proceed on it now we might, in fact, be accepting a motion which, on the advice of the law clerk, is not a proper apology.

Mr. McILRAITH: That is right.

The CHAIRMAN: Do I take it that Mr. Aiken is requesting that the question of his motion be deferred?

Mr. AIKEN: I was thinking if we merely adjourned the meeting we could let the matter stand until we met again to consider it further.

Mr. McILRAITH: At the call of the chair.

The CHAIRMAN: We will then have a motion by Mr. Hodgson.

Would you be good enough, Mr. Hodgson, to repeat your motion?

Mr. HODGSON: I move that the problem be left standing at the present time, until we have another meeting called at your convenience, and until we have the law clerk with us who could advise us on finishing off our report.

The CHAIRMAN: Is this agreeable to the committee?

Motion agreed to.

Mr. KUCHEREPA: I move we adjourn.

The CHAIRMAN: We are not yet adjourning the hearing.

Mr. BELL (*Carleton*): I am prepared to concur in that, but not in the belief of the inadequacy of Miss Sanders' apology. I think we have had a sincere and honourable apology from a gentlewoman, and I do not think there should be any impression go out from here that there is any reluctance on the part of this committee to take regard of her sincerity of purpose. Whether we engage in hair-splitting as to whether she used the right language or not is a matter of insignificance to me.

Mr. MANDZIUK: May we be given some indication as to other matters which this committee will be considering?

The CHAIRMAN: This committee is seized only of the matter referred to us. That is all we have at the moment.

Mr. PICKERSGILL: There is a matter on the order paper which makes it apparent that something else is coming.

Mr. CARON: The fact that we do not take any action, or do not recommend taking any action against the publisher means that it does not matter if the apologies are accepted in a week or so, because we are not asking parliament to take action.

Mr. MANDZIUK: It might do a little good if the lady did a little worrying, because she certainly did unwittingly do this.

The CHAIRMAN: Gentlemen, we shall meet again on Tuesday. I think I can indicate the meeting will be called on Tuesday.

Mr. McILRAITH: Are you in a position to indicate Tuesday firmly, without first having to check as to the availability of the law clerk for that day?

The CHAIRMAN: I was going to say "tentatively".

Mr. PICKERSGILL: I think it would be preferable to make it tentative in view of the fact there are so many other committees meeting, too. We will leave it to the chair.

The CHAIRMAN: All things being equal, the chair will call a meeting on Tuesday next.

This has been a wide-ranging and interesting discussion, although I felt that at times we have tended to move into the area of the committee on debates. I was wondering at times if we were discussing questions of privilege which



might go beyond the purview of the law clerk; but if we felt it necessary to look into the specific terms of reference, I take it we will proceed at the next meeting, when the law clerk will be with us.

Mr. BELL (*Carleton*): I think that he should be prepared at that time to advise us whether, within our terms of reference, we have any power to report on the question of reproduction.

Mr. PICKERSGILL: I quite agree.

The CHAIRMAN: I think that would be a cogent point.

Mr. HODGSON: I think we ought to call the meeting at 10 o'clock, and then it will not be clashing with the meeting at 11.

The CHAIRMAN: We will do our best.

TUESDAY, March 15, 1960

The CHAIRMAN: Gentlemen, the meeting will come to order.

At our last meeting there was some discussion as to the document, which was found to be in scarce supply. It has been suggested that this document, because of our deliberations, might be preserved for posterity through becoming an exhibit which would be attached to our minutes of proceedings and evidence. If I may say so I think that this document itself could be reproduced and retained for the future.

Mr. BELL (*Carleton*): If Dr. Ollivier assures us there would be no breach of privilege in our so doing!

The CHAIRMAN: If the document cannot be referred to and produced I think that future historians might wonder what we were talking about.

Mr. MARTIN (*Timmins*): There is a distinction. We are not reproducing *Hansard*, but rather evidence.

The CHAIRMAN: The chairman will entertain a motion to this effect.

Mr. NIELSEN: I so move.

Mr. MCBAIN: I second the motion.

The CHAIRMAN: It is moved and seconded that the document referred to in the committee's order of reference of February 23, 1960, be identified as Exhibit "A" and printed as an appendix to today's minutes of proceedings and evidence.

Motion agreed to.

The CHAIRMAN: The motion is carried and our Exhibit "A" will be preserved.

At our last meeting members of the committee expressed a desire to have with us the Law Clerk, Dr. Ollivier. He is in attendance today.

I would like to welcome you, Dr. Ollivier, and say that we are happy to have you with us.

Dr. Ollivier is a distinguished jurist and scholar, a Queen's counsel, doctor of law, a Fellow of the Royal Society of Canada. He was appointed parliamentary counsel to the House of Commons in 1925. He is a professor of constitutional law at Ottawa university, and a man of great authority and distinction in this field. In my far off academic days I remember we used to refer to the writings of one P. M. Ollivier on many matters.

We are happy to have you with us, sir, and I will call upon you now.

Dr. P. M. OLLIVIER, (*Law Clerk, House of Commons*): Mr. Chairman and gentlemen, I have prepared a memorandum in order to situate the question. After this I might have a few remarks to make and also will be ready to answer question, if I can.

On the 15th February, 1960 the member for Timmins rose on a question of privilege involving the House of Commons and its members. It was agreed that the matter should stand until the next day when Mr. Martin moved "that the subject matter in this complaint be referred to the standing Committee on Elections and Privileges for appropriate action." After some discussion the motion was agreed to.

In the course of the debate, the Prime Minister stated:

I want to say to begin with that every honourable member of this House has a responsibility to uphold the privileges of the house. Those privileges must be zealously guarded and maintained insofar as the motion of yesterday is concerned, I can understand the desire of the honourable member to see that these privileges should be maintained.

Further on the Prime Minister stated:

The question as to whether the publication of debates in parliament is a breach of the rights of parliament has never been decided.

On this subject he cited Anson 1, 4th edition, at page 174. I have only one more quotation from this debate where the Leader of the Opposition declared:

Surely it is quite proper in these circumstances, Mr. Speaker that the appropriate committee of the House be authorized to look into this matter to see whether the records of the House have been used and whether in fact there has been a serious breach of privilege—whether by inadvertence or by design, we do not know—to mislead the public in any respect. That is all the honourable member is asking, an examination into the matter; and until that examination is made, surely it is very difficult for us to make up our minds.

In conclusion, as previously stated, the motion was agreed to.

In a book entitled "Encyclopedia of Parliament" by Norman Wilding and Philip Laundy, I find the following at page 101 under the heading "Committee of Privileges":

Both houses appoint a committee of privileges at the beginning of every session. Their function is to consider complaints and alleged breach of privilege which may be referred to them.

Therefore, it is absolutely proper that the alleged breach of privilege in this case be referred, as it has been, to the standing Committee on Privileges and Elections.

The above authors also state that the Commons committee originated in the 17th century, and since 1909 it has been the practice of the house to refer to this committee all complaints directed against non-members before deciding on any action to be taken. It usually has ten members including the leader of the house and a law officer.

The reason I was not here at the last meeting is because I was not invited. I do not attend all committees but I go to those at which it is suggested I should appear.

In the same book, at pages 455-456, under the heading "Breach of Privilege" are found some interesting comments, which are as follows:

Both houses of parliament claim the right to punish offences which violate their privileges, whether committed by a member or an outsider, and whether directed against an individual or against the house collectively. Certain other offences against the authority and dignity

of parliament, whilst not breaches of specific privileges, are also punishable and are more correctly called contempts. It has become the custom, however, to refer to all such offences as breaches of privileges.

The acts which constitute breaches of privilege, are many, and are dealt with exhaustively in Erskine May (chap. 8). Anson summarizes them as disrespect to any members of the house, as such, by a person not being a member; disrespect to the house collectively, whether committed by a member or any other; disobedience to orders of the house, or interference with its procedure, with its officers in the execution of their duty, or with witnesses in respect of evidence given before the house or a committee of the house. Disrespect to a member includes attempts to threaten or intimidate him, any libel concerning his conduct in the House, and the offering of a bribe. Disrespect to the house collectively is described by Lord Campion as 'the original and fundamental form of breach of privilege', and includes libels on the house at large, upon the speaker, and upon select committees. Amongst those breaches of privilege which may be classed as disobedience to the orders of the House,—I think this is the point which interests you most—mention should be made of the publication of debates, which was formerly an offence and was frequently punished as such. Even today their publication is permitted only on sufferance, and it still remains within the power of the house to treat such action as breach of privilege. The publication of false or misrepresented reports of debates is still censured as though the very publication constitutes the offence. I think misrepresented reports applies to this case. Abuse of the right of petition, premature publication of evidence given before a committee, and proceeding against a member or officer of either house in the courts for his conduct in obedience to the orders of parliament, are further instances of breach of privilege.

The power to punish breaches of privilege is essential to the authority of any legislative assembly and is enjoyed by all the parliaments of the Commonwealth. In the case of the House of Lords and the House of Commons it has been held that their power to inflict punishment for breaches of privileges is inherent in the two houses as a High Court of Parliament. The power of commitment, described by Erskine May as the keystone of parliamentary privilege, has always been held by the House of Lords and was claimed by the Commons in the 16th century. It is the most serious penalty which either house can inflict upon its members or upon outside offenders. The Commons cannot order imprisonment for a period beyond the duration of the session, but the Lords are not so restricted. The Lords are also empowered to impose fines, but there seems to exist some doubt as to whether the Commons also possess this power, although it is one which they have exercised in the past. The last occasion on which the House of Commons imposed a fine was in 1666. An offender who is punished by imprisonment is confined in the clock tower if he is a member, otherwise, he is committed to one of Her Majesty's prisons.

Offences which are not sufficiently grave to warrant imprisonment are punished by admonition or reprimand, the latter being the more serious punishment of the two. The punishment is administered by the Lord Chancellor in the House of Lords and by the Speaker in the House of Commons. If the offender is a member he stands uncovered in his place; if a non-member he is summoned to the Bar of the House to receive his punishment, attended in the Lords by Black Rod and in



the Commons by the Sergeant-at-Arms bearing the Mace. It was formerly the practice to make offenders kneel at the Bar when hearing the judgment of the house.

Members of parliament who commit offences are liable to two further penalties: suspension from the service of the house and expulsion.

The proceedings which follow upon a complaint by a member alleging a breach of privilege vary according to whether the complaint is directed against another member or an outsider, and whether or not it is found upon a document. Complaints directed against a member or founded upon a document are considered in the house itself. If directed against a non-member and not founded upon a document the matter is usually referred to the Committee of Privileges, and the house takes no action until its committee has reported. Both houses appoint a Committee of Privileges at the beginning of every session.

To quote some short extracts from Beauchesne, Fourth Edition at citation 287 he writes:

A committee upon a matter of privilege may be appointed and nominated forthwith without notice, such a committee having been held not to be governed by any of the orders applicable to the appointment and nomination of other select committees.

Also, at citation 304, he writes:

Such a committee can only consider those matters which have been committed to it by the house.

I believe that the matter now before the committee is more a question of fact than a question of law as to whether the reproduction of *Hansard* has been done to mislead the public or not.

This is a matter of opinion where each member will make up his own mind. As often stated, the house is the guardian of its own privileges and, in this case, the committee has the remedy in its own hands, and the committee can recommend to the house that a motion of censure be moved on the guilty party or parties, if any.

I find the following in Bourinot's Parliamentary Procedure, 4th edition, at pages 37 and 38:

1. *Legislation on the Subject of Parliamentary Privilege in Canada:—*

In any constitutionally governed country the privileges, immunities and powers of its legislature as a body and the rights and immunities of the members of such bodies are matters of primary importance. It is obvious that no legislative assembly would be able to discharge its duties with efficiency or to assure its independence and dignity unless *it had adequate powers to protect itself and its members and officials in the exercise of their functions.*

The privileges of parliament include such rights as are necessary for free action within its jurisdiction and the necessary authority to enforce these rights if challenged. These privileges and powers have been assumed as fundamental and have been insisted upon by custom and usage as well as confirmed and extended by legal enactments. Their extent and nature have frequently been subjects of controversy but in the main they are decided by the legislature itself and its decisions, speaking generally, cannot be called into question by any court or other authority.

Again in Bourinot's 3rd edition, at page 152, it is stated that:

To constitute a breach of privilege such libels must concern the character or conduct of members in that capacity.

Also, at page 162 of the same edition, it is stated:

When the offence is contained in a newspaper, the latter must be brought up and read at the table and then the member complaining must conclude with a motion founded on the allegation that he has brought forward.

One of the first cases of this nature was on the 11th April, 1878, which is found at pages 1867 to 1872 of *Hansard* when Mr. Costigan raised a question of privilege to read an article in the Saint John "Freeman" in which he had been seriously attacked. Mr. Speaker, as will be found at page 1869, stated the following amongst other things:

.....it is entirely out of my power to determine in advance or even to anticipate; .....  
..... If any honourable member finds, or thinks he finds, in a newspaper article reason for bringing the proprietor or writer to the bar of the house to answer to a charge of breach of privilege, it is clearly within his right to move in the matter in this house, to bring it under the notice of this house, and to move a resolution and ask the house to pass it for the apprehension of the party.

The following are some further cases from *Hansard*:

1916, Feb. 3, p. 555:

In this case, Mr. Burnham complained of an article in the *Toronto Star* as incorrectly reporting him:

Mr. Speaker: I may inform the hon. member and the house that my attention was called this morning to the article referred to, and I can only say that it is certainly unjust; I need not say more to the hon. member for Peterborough. If this report was sent to the paper in question by a member of the press gallery, I think it is his duty to apologize, and to do justice to the hon. member for Peterborough.

1915, April 15, p. 2461:

Question of privilege over newspaper statement denied by Mr. Glass.

Mr. Speaker: With reference to the practice which seems to be somewhat prevalent of late, of reading newspaper articles in the House as a question of privilege, I wish to say that it is not a question of privilege, and cannot by any stretch of the imagination be properly regarded as privilege. All the same, it is the right of an hon. member to refer to such statements and to contradict them.

1915, April 8, p. 2189:

Sid Wilfrid Laurier rose to a question of privilege on statements in a leaflet published by the Federal Press Agency, Ottawa, and said the statements in it were false and a malignant libel and slander.

Mr. Speaker: I beg to say from the Chair, that, while I would not regard this as a matter of privilege according to my understanding of privilege, it is quite proper that the right hon. gentleman should draw attention to this leaflet as he has done and deny it if he wishes to do so.

1914, Feb. 2, p. 343:

Mr. Law on a question of privilege denying newspaper statements.

Mr. Speaker: That is scarcely to be regarded as a question of privilege, because it does not refer to the hon. gentleman's conduct, nor to his rights and privileges in the house.

There are any number of such cases but as they are all along the same line, I do not think it would be useful to repeat them here.

Of course, the typical case is the Mr. Cinq-Mars case in 1906, which has already been discussed and which it is not necessary to review here except perhaps to refer to its conclusion which is found on page 377 of the journals of the House of Commons, 1906.

After Sir Wilfrid Laurier had moved that Mr. Cinq-Mars, the writer of the article, had incurred the censure of the house and that he be recalled to the bar and that Mr. Speaker do communicate this resolution to him. Mr. Cinq-Mars being in attendance at the bar of the house, Mr. Speaker declared as follows:

Mr. Cinq-Mars, in respect to the matter as to which you have been summoned to appear before the bar of this house, I have been instructed to communicate to you the following Resolution which has been passed by the House:—

That the passages in *La Presse* newspaper complained of, pass the bounds of reasonable criticism and constitute a breach of the privileges of this house; That Mr. Cinq-Mars, the writer of the article, has incurred the censure of the house; That he be recalled to the bar and Mr. Speaker do communicate this resolution to him.

Sir Wilfrid Laurier moved, seconded by Mr. Paterson, that Mr. Cinq-Mars be discharged from further attendance;

And the question being put on the Motion:—It was resolved in the Affirmative.

Mr. Cinq-Mars then withdrew.

There are a few other cases, amongst them the Elie Tasse case in 1873; the Miller case in 1913 and the Spear's case in 1920, but no very great advantage would be found in reviewing them at the moment.

I cannot do better in conclusion to this long memorandum than to quote a few paragraphs from May, 16th edition, at pages 139 and 140, Chapter 7, breaches of privileges and contempts under the heading "Consideration of Reports of Committees on Questions of Privilege"—these are:

The report of a committee on a matter of privilege may be taken into consideration in pursuance either of an order made upon a previous day or of a motion that the report be now read(—)or be now taken into consideration. The precedence afforded to such orders and motions is described at p. 388.

A motion expressing the agreement of the house with such a report has been made as a substantive motion but the more regular course is to move that the report be taken into consideration forthwith and, if this motion be agreed to, to make the motion upon consideration of the report.

If the committee reports that no breach of the privileges of the house has been committed, no further proceedings are usually taken in reference to the report.



In two instances, however, where the committee of privileges reported that no breach of the privileges of the house had been committed, the house resolved that it agreed with the committee in their report.

Where the committee recommended that, in view of the explanation offered by the offender, and of his expression of regret for the offence he had committed, the house should take no further action in the matter, or that the matter complained of was not such a breach of the privileges of the house as called for any further action on its part or that, in the opinion of the committee, the house would best consult its own dignity by taking no further notice of the libel or that no further time should be occupied in the consideration of the offence, further action was not taken by the house.

In another instance after the committee of privileges had reported that in their opinion a breach of privilege had been committed but that in the circumstances the house would best consult its own dignity by taking no further action in the matter, the house resolved that it agreed with the committee in their report.

If the committee report that a serious breach of privilege has been committed, the house usually proceeds to consider the kind or degree of punishment which it would be proper to inflict on the offender.

The CHAIRMAN: I believe you have some other comments on this apart from your memorandum. If so, we would like to hear them.

Dr. OLLIVIER: I have some opinions which are derived from the discussion which took place the other day, which I read. The first was about the words published by the Sperry-Hutchinson Company.

My understanding is that the company was incorporated but was not yet perfectly organized, and that it had only provisional directors. And I suppose this is answered by the fact that the lady took the full responsibility and blame for the question.

Another question was: should the apology be addressed to the Speaker of the house? My answer would be that, as a matter of opinion, upon the reference to the committee, the committee acts for the house, and I imagine it could accept the apology.

Then someone suggested that the reprint is certainly intended or calculated to mislead. Of that I am not quite sure. Miss Sanders says no; and no one would think that those photographs of *Hansard* were the original publication. I think it was obvious to everybody that they were photo-static copies.

Somebody also said that it means that both the Speaker of the house and the Queen's printer are lending their endorsement to this one favourable speech. Well, I suppose that could be yes and no. Some people might be led to think that it was a real copy of *Hansard*, but who would think that just one speech—just one speech—constituted the whole *Hansard* for the day? I am sure nobody would think that that was all that was said in the house in one day, especially if he had ever attended any of the meetings.

Mr. Martin said that this gave us an actual reproduction of the complete speech. But I do not believe it was as serious as it could be. Mr. McIlraith said this in *Hansard*, No. 9 of Volume 104; but as I said before, who would believe that that was all that was said in one day?

Is a breach or privilege involved in the matter? I think the answer is to be found in the excerpt which I read before from the encyclopaedia of parliament that

The publication of false or misrepresented reports of debates is still censured as though the very publication constitutes the offence.

That is the only direct answer I could find to that.

Now, there is a question of whether that is or not, and I have an example. I have a small book entitled "The Parliament at Westminster" by Cocks. I notice something in it. This book reproduces writs of elections, writs of returns and so on, and I notice that every time it is marked "By permission of the public record office". Further on there is a copy of a bill which is really a photostatic copy of the first page of a bill, and it says again "By permission of the Controller, H.M. Stationery Office".

Therefore I think there exists in all government publications a copyright which belongs to the government and which, like any other copyright, should not be infringed upon.

If you reproduce a book published by the government you should only do so with permission of the controller of stationery at least.

I do not think that the Trade Marks Act which was mentioned applies as well. The closest to it—this is chapter 49 of the statutes of 1952-53—is section 9 which refers to prohibited marks and says that:

9. (1) No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for. . .

(e) the arms, crest or flag adopted and used at any time by Canada or by any province or municipal corporation in Canada in respect of which the registrar has at the request of the government of Canada or of the province or municipal corporation concerned, given public notice of its adoption and use.

Mr. NIELSEN: What is the act you are reading from?

Dr. OLLIVIER: I am reading from the Trade Marks Act, chapter 49 of the statutes of 1952-53, and in it section 9 says:

9. (1) No person shall adopt in connection with a business, as a trade mark or otherwise, any mark consisting of, or so nearly resembling as to be likely to be mistaken for—

It does not mean that if there is a parade, and you display a reproduction of the royal coat of arms or a flag outside your house that that would be regarded as an infringement of a trade mark. Although that was quoted, I do not think it would apply under the Copyright Act.

The difference is that in England when anybody uses or makes a photograph of a bill or any paper, or anything, they always do it with the permission of the controller of stationery, or of another officer who is in charge of those publications.

Mr. NIELSEN: Would you mind saying if in your opinion there is any legislation in Canada which requires permission to be obtained from the Queen's printer before publication?

Dr. OLLIVIER: It does not refer exactly to the Queen's printer, but to the Copyright Act. So if you have copyright in anything, then it cannot be reproduced by anybody without consent; and if you do so reproduce it without first obtaining consent, you may be subject to a suit for damages.

Mr. NIELSEN: Have we statutory copyright in government publications?

Dr. OLLIVIER: No, I do not think there is any act which deals especially with government copyright in publications.

I wanted to refer also to the Senate and House of Commons Act, and I went behind it to see how far it went. That was put in at the very first session of parliament, in 1868.

Senate and House of Commons Act. An act to define the privileges, immunities and powers of the Senate and House of Commons, and to give summary protection to persons employed in the publication of parliamentary papers.

In connection with parliamentary papers, section 6 says:

6. It shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published bona fide and without malice, and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant.

That still exists in our revised statutes of 1952, chapter 249.

Mr. PICKERSGILL: Would you please read that again?

Dr. OLLIVIER:

6. It shall be lawful in any civil or criminal proceeding to be commenced or prosecuted for printing any extract from or abstract of any such report, paper, votes or proceedings, to give in evidence under the general issue or denial, such report, paper, votes or proceedings, and to show that such extract or abstract was published bona fide and without malice, and if such shall be the opinion of the jury, a verdict of not guilty shall be entered for the defendant.

This section deals with public officials printing the reports of *Hansard*, for instance, or the reports of the House of Commons, but it is not clear from this section whether the section is still referring to officials publishing reports or extracts from reports, or whether it refers just to the public outside. Anyway, it is in the Revised Statutes of Canada, chapter 249, the Senate and House of Commons Act.

Mr. PICKERSGILL: In any event it applies only to actions in the courts?

Dr. OLLIVIER: Yes.

Mr. McILRAITH: Might I see Exhibit "A" for a moment? At the bottom of the front page of Exhibit "A"—

Mr. BELL (*Carleton*): Should we not first finish with Dr. Ollivier?

The CHAIRMAN: Yes.

Dr. OLLIVIER: What was the question?

Mr. McILRAITH: You covered two or three legal points and I wanted to raise another one with you.

Dr. OLLIVIER: All right.

Mr. McILRAITH: Have you finished with that one?

Dr. OLLIVIER: Yes.

Mr. McILRAITH: At the bottom of the front page of Exhibit "A", it says:

Price per copy 5 cents, per session \$3.00; address the Queen's Printer, Ottawa, Canada.

Is there inherent in this report sent out by Sperry-Hutchison Company any breach of any law in the representation on this sheet of Exhibit "A," that copies can be obtained from the Queen's printer?

Dr. OLLIVIER: I do not think there was any intended breach because I do not think this company thought that they would get that same copy by sending to the Queen's printer.



Mr. MCILRAITH: It is not a question of intent, because that is a matter of fact to be determined. But is there anything in that that could be an inherent breach of the law?

Dr. OLLIVIER: I think so, not only for the reference to the Queen's Printer taken alone, but for the whole setup, and more especially the words "official report", and still more in the thinking that you can get a copy for 5 cents from the Queen's printer. If I were bothered by anything—and I am—I think it is these words "official report".

The CHAIRMAN: Please proceed and finish your presentation, Dr. Ollivier.

Dr. OLLIVIER: Yes, I shall. Reference was made to the Report of the Committee on Printing in 1947. Perhaps I should read the report of that committee. It was an important report and it was agreed to the next day.

Mr. MCILRAITH: What is the citation?

Dr. OLLIVIER: That is for Monday, July 14, 1947, at page 887 of the Journals of the House of Commons. This is the report of the Joint Committee of the Senate and the House of Commons on Printing, and it reads as follows:

It has come to the attention of your committee that, with the considerable increase in the volume of work of the printing bureau during the session, the reprinting of members' speeches causes serious delay in the official printing of parliament and that, as a result, it has been necessary to "farm out" some of the latter at increased cost to the public. Your committee, accordingly, recommends:

- (1) That the official printing of parliament take precedence over the reprinting of such speeches as are ordered by the members individually;
- (2) That in the reprinting of members' speeches the following rules be strictly adhered to:
  - (a) Each reprint of a speech or speeches, ordered by a member shall be an exact replica in context of the report as printed in the debates of the Senate, or the House of Commons debates, without any deletions therefrom or additions thereto;
  - (b) Each reprint shall contain the speech or speeches of one member only in the same pamphlet;
  - (c) Such reprints shall contain no subheadings, photographs, or illustrations, and only such subject-matter or main headings as appear in the official reports;
  - (d) No special cover shall be used and no covering letters shall be added to or included in the speeches so reprinted.

Now, I have been so bold as to prepare a draft report which could be used only as a basis; it is not your report, but a report I imagine that could be made. But perhaps I might keep it until the time you go into *camera* to consider your report. I suppose it would be more proper at that time. But if you want me to read it, it is just simple; it is not a committee report.

The CHAIRMAN: There well may be some questions on your statement or memorandum which perhaps might better be entertained now, and this matter might be deferred until we do that.

Mr. MCILRAITH: Just bearing on that last point you have made, I take it that if a member was reproducing this speech through the Queen's printer for redistribution, these requests on the second and third page of exhibit 2 could not have been superimposed?

Dr. OLLIVIER: That is right.

Mr. McILRAITH: And consequently that front page as it was put on the document could not be put on?

Dr. OLLIVIER: That is right.

Mr. NIELSEN: Following that line would indicate that the reproducer of this document had no thought as to whether or not there had been a breach of privilege of parliament?

Dr. OLLIVIER: I think it would be wrong, but in this way: if it were done bona fide and without malice, while I would report a breach of privilege, under the circumstances I would not think that the person should be asked to come and kneel at the Bar of the House.

Mr. MARTIN (*Timmings*): I wonder if at this point I might express my appreciation for the very excellent memorandum which Dr. Ollivier has prepared for this committee. I think it has been of great assistance to us.

The CHAIRMAN: Do any members of the committee have questions for Dr. Ollivier at this time?

Mr. BELL (*Carleton*): There were really two questions raised last week. The first was as to what breach of privilege there was in this particular document? The wider issue raised was as to the right of reproduction generally of *Hansard*. Is Dr. Ollivier prepared to express an opinion as to whether or not under the terms of reference which this committee now has there is any right to report in respect to the second matter, which I might describe as a matter raised by Mr. Pickersgill?

Dr. OLLIVIER: My humble opinion is that you cannot go beyond the order of reference, and I do not think the order of reference covers the whole question of privilege. I have gone further in my memorandum than the order of reference, because I wanted to set up the background. But I do not think the report of the committee could go anywhere into these details that I have mentioned in my memorandum.

Mr. BELL (*Carleton*): So that the general issue on the question of reproduction is beyond our powers under our terms of reference?

Dr. OLLIVIER: That is my opinion.

Mr. PICKERSGILL: I do not really dissent from that view, but I wonder whether in our seeking to determine the degree to which, if any, there has been a breach of privilege entailed in the reproduction of this document it would not be competent for the committee to state, just as you have stated in your document here on page 3, and I shall quote:

Even today their publication is permitted only on sufferance, and it still remains within the power of the house to treat such action as breach of privilege.

Mr. NIELSEN: I do not think, Mr. Chairman, that that falls within the terms of reference that this committee has to consider. We are supposed to consider whether or not the publication of Exhibit "A" constitutes a breach of privilege of the House. That is what we have to consider, not the general subject matter.

Dr. OLLIVIER: But anything defined as a breach of privilege, I think, comes in the report, and you can say that this is a breach of privilege that was committed.

Mr. NIELSEN: This specific breach?

Dr. OLLIVIER: This specific reprinting of *Hansard*.

Mr. PICKERSGILL: It does seem to me—and I am rather persistent in this view—that before you can establish whether there has been a breach of

privilege you must know what the privilege with respect to the publication is; and I would agree with Mr. Bell, if I understood him correctly, that it would be beyond our powers to make any recommendations with respect to anything except this matter.

Mr. BELL (*Carleton*): It is not a case of agreeing with me; I have put it by way of a question so that I could obtain a professional opinion from the parliamentary counsel.

Mr. PICKERSGILL: I did not mean to be contentious. At any rate, I am agreeing that I do not think it would be competent for us to make any recommendation as to any change in the privilege, but I think it would be helpful to include in any report the substance of this sentence so that it would be apparent to the house precisely what the nature of the privilege was that was or was not being breached.

Mr. NIELSEN: On a point of order, Mr. Chairman, I think that any discussion in connection with the content of the report which we are going to make to the house should be held in *camera*, when the proper time comes to do so. I do not think the question should be raised at this time.

Mr. PICKERSGILL: Well, if that is a point of order—which I would rather doubt—as a Liberal I would dissent from this attempt to have closure in the committee.

Mr. NIELSEN: It is not an attempt at all. I think the suggestion should come from Dr. Ollivier, and I think this is the very type of thing that Dr. Ollivier meant when he mentioned the word “camera”. I had no intention at all of suggesting closure.

The CHAIRMAN: Gentlemen, I am sure there will be no closure imposed, as there is not elsewhere, in this parliamentary picture. However, when we proceed to draft the report it is true that it is essential that we do it in *camera*.

If there are no further questions of a general nature which you would like to direct to Dr. Ollivier, or in connection with any general aspects of the questions on which further discussions is considered necessary it is conceivable that we are now at the stage where we might move to the drafting of the report. However, if there are any additional general questions we will be happy to have them at this time.

Mr. AIKEN: Mr. Chairman, there is just one question which I would like to ask Dr. Ollivier. Has he given consideration to whether or not the form of the letter that was placed before the committee by Miss Sanders would constitute a sufficient apology to the house?

Dr. OLLIVIER: Well, if you are asking my opinion—and in a matter of an opinion I suppose my opinion is worth as much as yours—I would be satisfied with the apology. However, that is up to you. It ceases to become a question of law in that case; it is more a matter of opinion and satisfaction in your own minds.

Mr. BELL (*Carleton*): Dr. Ollivier mentioned the question of copyright, which he dealt with earlier. As I understand his view, it is not to suggest that a breach of copyright is a breach of privilege and that if there is, in fact, a breach of copyright here there are other places where penalties for that breach can be enforced.

Dr. OLLIVIER: Yes; but, nevertheless, it is pretty close to a breach of privilege. The breach of copyright which belongs to parliament or belongs to the government is in a different position from the breach of copyright that belongs to a court.

Mr. PICKERSGILL: This is not asking you for an opinion about the privileges of parliament, but would you hazard an opinion on the law as to whether the



copyright of the debates belongs to parliament or to the Crown—that is, the government; or whether, indeed, the copyright of each individual's speech does not belong to the person who made that speech.

Dr. OLLIVIER: Well, I think that question has arisen in many cases—whether you have a copyright on a public speech. I think it practically becomes the property of everyone. It is not like writing a book. You could not prevent anyone from reproducing your speeches made in the house.

Mr. PICKERSGILL: Have you ever had occasion to look at the references to copyright in Mr. Winston Churchill's speeches?

Dr. OLLIVIER: No, I have not. If you have any questions in regard to copyright I think Mr. Richard would be a much better man to ask.

Mr. RICHARD (*Ottawa East*): The law is very vague on copyright in Canada, but I would hazard the answer that there is no copyright for public speeches. Whether a speech in the House of Commons is a public speech is something else. I do not think it is a public speech; so if any copyright exists it does not exist in the Crown but in the person who made the speech.

Mr. MCILRAITH: And in parliament as opposed to the Crown. Could you not have a copyright, for instance, on the cover of *Hansard*?

Mr. RICHARD (*Ottawa East*): Yes, you could have, and I think that is where the copyright lies, if any—on the cover.

So far as the reproduction of the speech is concerned, I do not think there is any breach of any kind of copyright, or anything else. If a man reproduced a speech from a magazine which he read, and if it was in that form, with an arrow in it, I do not think anyone would have said a word about it. However, when the speech is sent out separately under that cover there is a big difference. If Maclean's reproduced the cover of *Hansard* and included that speech, with the arrows, I do not think anyone would have said a word about it; but the fact it was set out in the form that we use for *Hansard* in the House of Commons, I think the breach was there, in reproducing the cover.

Dr. OLLIVIER: That was my point.

Mr. MARTIN (*Timmins*): Does not that raise the matter that is the very essence of this breach of privilege? If Maclean's, or any other magazine or newspaper, had reproduced this, it would be done to allow the public to have access to it, whereas in this particular case it was done for the purpose of promoting something which the guilty person had in mind.

Dr. OLLIVIER: That agrees pretty much with what we have been saying—that the copyright would be in the arrangement of the cover. However, I must say that although we have adhered to the Berne convention, the Rome convention and the revised Rome convention, I do not think our act follows those conventions very closely in so far as protection is concerned.

Mr. BELL (*Carleton*): Would not the correct way of enforcing copyright be through the courts?

Dr. OLLIVIER: Yes and no. If the House of Commons has a copyright on its own papers, such as the debates and so forth, then how is the house to take action in the courts?

Mr. MCILRAITH: It cannot; it has to enforce it.

Dr. OLLIVIER: The house, being the court itself, or the high court of parliament, can act in the same way and, on the motion of a member, bring along its own remedies.

Mr. MARTIN (*Timmins*): If this is an infringement of the Copyright Act would that not be more a matter for the Minister of Justice than for this particular committee?

Dr. OLLIVIER: I do not think so. I think it affects the House of Commons; and the House of Commons has all the powers of a court. The privileges were instituted so that it did not have to go to the courts, and it could protect its own interests and its own members.

Mr. PICKERSGILL: It would be a most dangerous principle for any member of the House of Commons to proclaim that we needed the crown to protect us—and that is what the Minister of Justice is; he is the Queen's attorney general.

Dr. OLLIVIER: I think that has been brought out in divorce cases. Where there was perjury the cases were brought to the court, and the Criminal Code was amended so that you could bring any cases of perjury in committees of parliament before the courts.

Mr. RICHARD (*Ottawa East*): I repeat what I said previously. I think, if any breach has been made, it is not the reproduction; it is the manner in which the reproduction was made—imitating the Hansard form. That is all there is to it. Otherwise, as far as I am concerned, the reproduction is not a breach.

Dr. OLLIVIER: In other words, it is a misrepresented report, and that is the breach of privilege.

Mr. WOOLLIAMS: Mr. Chairman, that is exactly the point I was going to raise. It is really the misrepresentation. It is sent out with the idea that the public will believe it is Hansard. They rely on the lie, and when the lie is believed that is when you have the breach of privilege.

Mr. AIKEN: Does it not go further than that? We are breaking into copyright. It is clearly stated on page 3 of the memorandum that the publication of the debates is a breach of privilege, and where they are improperly used then the house or the committee can take action. It is the improper use of the debates themselves rather than the use of the cover.

Mr. CARON: My question arises from what Dr. Ollivier said in connection with perjury in the committee. Did you state that there was no way in which the committee or parliament could take action against perjurers?

Dr. OLLIVIER: I did not suggest that, but what I do say is that the Criminal Code was amended to provide perjury committed in committees because previously it provided penalties for perjury committed in the courts. And when the case was taken to the supreme court here in Ottawa it said it did not have any jurisdiction because parliament is not a court. They wanted the Criminal Code to say that the word "court" would comprise the proceedings in parliament.

Mr. MCILRAITH: Was it not inherent in that judgment that if parliament decided itself to punish the perjurer it could have done so through its own proceedings in parliament.

Dr. OLLIVIER: Yes.

The CHAIRMAN: Gentlemen, are there any further questions? If not, we have the deferred motion, which it might be appropriate to deal with at this time. It was moved by Mr. Aiken and seconded by Mr. Martin that the apology be accepted, and that this committee continue to sit *in camera* to consider its Report to the House. This was the motion.

Mr. MCILRAITH: It is a bit mixed up.

Mr. PICKERSGILL: There is one point that has been raised just now, and it is this surely before we accept this motion we ought to determine whether there really has been a breach of privilege. If there has not been we should not accept even the apology.

Mr. WOOLLIAMS: In other words, we have to have the judgment before we pass sentence.

Dr. OLLIVIER: You can do both; accept the apology and still recognize there was a breach of privilege. If you accept the apology you recognize that there was a breach of privilege. Otherwise, there is no use in accepting the apology.

Mr. McILRAITH: Does not the motion put two conflicting principles before us at the same time, in one motion?

The CHAIRMAN: The motion is that the apology be accepted and that this committee continue to sit *in camera* to consider its report to the house.

Mr. McILRAITH: But are there not two separate things in that? Is it not a matter of whether or not we go into committee to prepare the report? It seems like two separate things to me.

Dr. OLLIVIER: I think it is a proper motion.

The CHAIRMAN: What is the principle of contradiction, Mr. McIlraith?

Mr. McILRAITH: One is that we deal with part of the report, and then go into committee to prepare a report.

Mr. MONTGOMERY: We might turn down the first part.

Dr. OLLIVIER: If you accept the apology, that will influence your report. You can accept the apology and then make your report accordingly.

Mr. McILRAITH: It seems to me that we should separate the two.

Mr. BELL (*Carleton*): Could we have a motion to proceed to consider our report? I see no objection to the motion but we will save time in that way.

The CHAIRMAN: Would you be prepared to accept the deletion of the first clause—"that the apology be accepted and"?

Mr. AIKEN: Yes. There has been quite a lot of evidence, discussion and so on since that motion was originally proposed at the beginning of the first meeting. I would be satisfied to amend it by merely stating that we proceed to discuss our report *in camera*.

The CHAIRMAN: It should be recalled that this motion was framed after a certain document came to our attention, namely a letter from Miss Sanders.

Mr. AIKEN: The purpose of that was that we should not go ahead at the time and call a lot of other witnesses or call the person in question before the committee. That was the very purpose of the motion at that time. I would be prepared to amend it.

The CHAIRMAN: Is the committee ready to act upon its motion, as indicated—that this committee continue the sitting *in camera* to consider its Report to the House? All in favour? Contrary?

Motion agreed to.

The CHAIRMAN: Before we go into *camera* I would like to take this opportunity to thank Dr. Ollivier. I think Mr. Martin put it very well. It has been an interesting and profitable discussion between lawyers and politicians on a matter of real importance.

The Committee continued *in camera*.





# House of Commons Debates

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OFFICIAL REPORT

Tuesday, January 26, 1960

Speaker: The Honourable Roland Michener

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

undertook the great conversion loan. In order to make it a success the price of bonds was raised to an artificially high level; the government offered  $4\frac{1}{2}$  per cent interest on long term bonds and put on a high pressure campaign of advertising and ballyhoo. When the smoke had blown away and the exhortations and appeals to patriotism by the Prime Minister and the Minister of Finance were no longer heard, many Canadians realized that they were not only committed for 25 years to pay the highest interest rates they had paid for a generation, but the government still proposed to borrow a lot more money.

We on this side of the house criticized the conversion loan and refused to accept the government's repeated assertions that the conversion loan would stabilize the market for other borrowers. It has not, of course, stabilized the market at all; it has practically closed the market to the provinces and municipalities. Since October 15, 1958, that is to say during the last 12 months while the country has been recovering from the recession and borrowers in all walks of life have been competing for available funds, the Diefenbaker government has been making its own claims upon the limited supply and has borrowed \$676 million of new money. When I use the term "new money" I mean borrowings in addition to those to which the government has resorted to meet outstanding bond issues as they became due.

**Mr. Speaker:** Order; I am advised by the Clerk that the hon. member's time has expired.

**Mr. Rouleau:** May I continue for one minute?

**Some hon. Members:** Agreed.

**Mr. Rouleau:** In concluding my remarks, Mr. Speaker, I should like to use the very same words as the present Minister of Finance used in 1956, as found at page 7462 of *Hansard*:

—I think that a good deal of the solution lies within the power of government. On the one hand we have the government lauding the boom and asking politicians to get out because they claim we have a bubble. On the other hand we have the government taking steps to expand with expanding revenues, and on the other hand they are claiming political credit. Let them stop trying conflicting and contradictory policies.

**Miss Margaret Aiken (York-Humber):** Mr. Speaker, my first words are of congratulation to the mover (Mr. Morissette) and seconder (Mrs. Casselman) of the address in reply to the speech from the throne. The hon. member for Rimouski and the hon. member for Grenville-Dundas embraced the honour bestowed upon them by the Prime Minister (Mr. Diefenbaker) with grace and

eloquence. As another woman member of parliament and colleague and friend, I was especially proud of the hon. member for Grenville-Dundas. It seemed to me that her's was as fine a maiden speech as I have ever heard in the House of Commons.

I have three subjects, Mr. Speaker, upon which I want to speak rather briefly. They are somewhat controversial. The first one is recognition or non-recognition of the government of red China. My only authority for speaking on this subject is the fact that I visited the People's Republic of China this summer. I saw how the people lived under the Chinese communist government; I talked to government officials and to ordinary people, but it was mostly as an eyewitness that I formed my opinions on this problem. From Canadians one hears two basic arguments about recognition of the People's Republic of China. The first is that you simply cannot ignore 650 million people; that non-recognition is to behave like an ostrich burying its head and saying 650 million people are not there. The second argument involves trade. It is stated that recognition would automatically open the trade routes to China.

In so far as the first argument, that it is ridiculous to refuse to recognize 650 million people, is concerned, actually what we are refusing at the present time to recognize is a ruthless aggressor government. From my observations and from what I have heard I would say this is the strongest government China has ever had and it has an absolute stranglehold on the people.

I personally liked the Chinese people. They were courteous, friendly and hospitable. If recognition would do those people any good, I would certainly be all for it; but it would not do so. I have never in my life seen men and women work as hard as they are working under that communist government. They are kept at a substandard existence level of living, always with a sort of carrot held out in front of them: if they work harder and harder, things will be better.

In the communes their lives are based on military lines. They live—one family of usually five to one room—in barrack-type houses. They are divided into brigades and each brigade has its own communal kitchen, communal dining room and communal community hall. Every woman of a commune must work. On the farm I visited 68 per cent of those working in the fields were women and 32 per cent were men. I suspect the reason for this situation is that the Chinese want to keep their manpower mobile for their aggressive actions; and by making the women work in the fields they make sure that, should

[Mr. Rouleau.]



they want to take their men into the army or to war, the production of food will not be dislocated.

From dedicated communists you hear these parrot-like accusations of "evil United States imperialism" and "the wicked exploitation of labour as practised in the capitalist world". I just wish that every working man and working woman in Canada could see what a ruthless, all-powerful communist government does to the spirits and the lives of 650 million people. But quite aside from a feeling of horror toward such a government, I think that recognition of China at this time could do irreparable harm to our friends in that part of the world, countries that are trying to set up their own democracies, and are friendly to us.

To take one example, I would mention Japan. In the past 15 years the Japanese have made great efforts to democratize themselves, as they call it. On the other hand, red China has made equally great efforts to draw Japan into the communist bloc. China has used every trick short of war in order to impose communism upon Japan. Forty per cent of Japan's export trade was with China and this trade was wiped out at one fell swoop. I think that we of the western world must realize and appreciate the stupendous efforts that countries like Japan are making to withstand the pressures from communist countries in that part of the world.

As to recognition of China opening up trade routes for Canada, I would say this. Certainly the experience of other countries has not proved this to be the result. For instance, Britain recognized China quite a few years ago and British trade with China is really inconsequential. West Germany, which does not recognize China, has far greater trade with that country than has Britain. Indeed, British diplomats are really shabbily treated in red China. They were thrown out of their beautiful embassy which they had occupied for many years. They are now housed in apartments. They are not permitted to fraternize with their counterparts in the Chinese government and most of them are extremely fed up in that country.

I therefore agree with the Secretary of State for External Affairs (Mr. Green) that it makes no sense at this particular time to recognize the government of red China, that it makes no sense to recognize a ruthless, aggressive government that even attacks the borders of a friend, namely India. It seems to me that the republic of China must show more good faith and much greater responsibility for world peace before Canada bestows recognition upon it.

The next matter I wish to raise has to do with old age pensions. Many people have approached me during the past few months to ask if the government would or could lower the old age pension age from 70 years to 65 years. More and more people are finding that they are obliged to retire at age 65 and in that gap between age 65 and age 70, that five-year period, there can be real hardship. We all know that it would cost the taxpayer a great deal of money to lower that age. I feel sure that the Minister of National Health and Welfare (Mr. Monteith) and the Minister of Finance (Mr. Fleming), in their responsibility to the taxpayer, would hesitate to impose such a burden at the present time.

But what I should like to see—and I know others have expressed the same thought in the house—is a long term view of old age pensions under which there could be much more of a contributory social security pension plan. If every man and woman during their productive years contributed according from their earnings, as is done in the United States, such a scheme could be built up on a sound actuarial basis. I know the government would have to continue to pay the present old age pension to those already receiving it and to those on the eve of retiring. But in two decades or 25 years I am sure that such a contributory plan could be well established.

I was delighted to note that the Minister of National Health and Welfare has removed the restrictions on old age pensioners with respect to receiving their pensions outside of Canada. However, I really believe that a universal contributory scheme would benefit everybody and would clear up some rather ridiculous situations. For instance, we hear so much these days about men and women applying for jobs and being told they are too old at the age of 40. The real reason is that people of 40 or 45 years of age going into new jobs create a lack of balance in company pension schemes. Actually—and I have found this situation in trying to get jobs for people—it is sometimes easier to get a job at the age of 65 than it is at the age of 45 because a man going into a company at age 65 does not expect any return from the established pension scheme. I should therefore like to see in the not too distant future the Minister of National Health and Welfare introduce a social security pension which would allow Canadians to retire at age 65 if they wanted to do so. If they did not want to do so they could go on and, I presume, for a bigger pension.

My final controversial subject is this modern thing called discount stamps. My interest in discount stamps per se is nil but it seems to me that the great majority in this parliament will believe that an extremely



basic principle is involved in this matter. We in this parliament believe in free enterprise, in the minimum of government interference and in the rights of individuals to buy and sell in the open market place without government interference.

Personally, I commend the Canadian association of consumers for its self-assigned role as watchdog on behalf of the consumer. It is well known that the consumers, generally speaking, are the women of this country. It is a trite phrase now, but it is still true that they spend 85 cents out of every dollar earned. I commend the Canadian association of consumers for its diligence in this matter, but I think it is wrong to ask the government to legislate against private enterprise promotion. For one thing, there seems to me to be an apprehension about the women buyers of this country. We are not the dopes that you might think from listening to other people talk about how we are being led astray with these discount stamps. The women of this country do not need to be protected against the food merchant; they are just about as shrewd and astute buyers as you would find anywhere.

One rather patronizing tag line thrown at them is that you cannot get something for nothing. Mr. Speaker, the woman buyers know you cannot get something for nothing, and their answer is that they are getting something where nothing was before. Before Christmas one retail store in Toronto gave out 7,000 dolls, and I would like to just take a look at the chain reaction of this something where nothing was before. Seven thousand mothers had the pleasure of giving their little girls each a doll. The little girls were richer by one doll. The merchant won a steady customer. The manufacturer of the doll sold 7,000 dolls he might not have sold before.

It seems to me that government interference in this kind of chain reaction can grow to ridiculous proportions. The role of government in a private enterprise economy is not to impose more and more controls, particularly controls against competition, but rather to encourage them, because it is the consumer always—the public—who benefits by competition. If government is pressured into putting such legislation into the Criminal Code, making something that is legal illegal, surely the method by which a merchant allocates his promotion budget is of no concern to a private enterprise government. If discount stamps were declared illegal, why not television extravaganzas and coupons on boxes of soap? It seems to me you are just asking the government to get into matters that should be of no concern whatsoever. I hope we will never put any such discriminatory law into our Criminal Code. As long as

[Miss Aitken.]

the public is not being victimized, the government should not interfere in competitive enterprise.

It always comes as a surprise to me the number of people or groups who want government to step in immediately to correct what they think is an evil, but if it affects them, then they want government to mind its own business and not interfere. The other day a man expressed his indignation to me over a regulation which was imposed a long time ago and of which I have never heard before. It concerns chartered planes. Apparently in Canada you cannot buy a flight on a chartered plane at less than 65 per cent of the cost of a flight on a commercial plane; in other words, it costs 35 per cent less. Of course, there are many groups crossing the Atlantic in chartered planes, and they go down to Buffalo or New York where they get the flight much cheaper because there is no such protective restriction. Of course, this has boomeranged back now that this regulation has been imposed, because the Canadian charter companies are not able to sell their flights. This man thought it was a terrible thing and that Canadians were being deprived of this advantage, and the only way they could get a cheaper flight was to go to the United States.

I agreed that it was a silly thing and should not be one of our regulations, but when I said to this man, "What do you think of discount stamps?", he wanted them all banned. He said, "They are gimmicks; the government should step in immediately and ban them all". He thought that the government should not interfere in a thing affecting his pocket book; but the government should back the other thing which apparently he had strong opinions about.

I suppose this is the kind of human inconsistency which wise governments have to deal with, but that is why I say I hope that the present government will not be pressured into introducing such laws into our Criminal Code, because I do feel that we must cling to our basic principles of freedom and have the minimum of government interference in private enterprise.

From the INFORMATION BUREAU ON DISCOUNT STAMPS

THE SPERRY AND HUTCHINSON COMPANY OF CANADA LIMITED

600 UNIVERSITY AVENUE, TORONTO

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament  
1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

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TUESDAY, APRIL 5, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESSES:

Honourable Leon Balcer, Q.C., Acting Secretary of State and Mr. Nelson  
Castonguay, Chief Electoral Officer for Canada.

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Woolliams.—29.

(Quorum 8)

E. W. Innes,

*Clerk of the Committee.*



## ORDERS OF REFERENCE

WEDNESDAY, March 23, 1960.

Ordered,—That the name of Mr. Howard be substituted for that of Mr. Martin (*Timmins*) on the Standing Committee on Privileges and Elections.

Ordered,—That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act and the Report and Evidence of the Standing Committee on Privileges and Elections 1959, and to report to the House such proposals as the Committee may deem it to be advisable.

Attest.

L.-J. RAYMOND  
*Clerk of the House.*



## MINUTES OF PROCEEDINGS

TUESDAY, April 5, 1960.

(4)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Vice-Chairman, Mr. Georges J. Valade, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Henderson, Hodgson, Kucherepa, McBain, McGee, McIlraith, Meunier, Montgomery, Ormiston, Paul, Pickersgill, Richard (*Ottawa East*), Valade and Webster.—(17)

*In attendance:* Hon. Leon Balcer, Q.C., Acting Secretary of State; Mr. Nelson Castonguay, Chief Electoral Officer; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

Mr. Valade thanked the Committee, in English and French, for the honour conferred on him by the Committee on February 23, when he was selected as Vice-Chairman.

The Committee's Order of Reference, *re: Canada Elections Act*, was read.

The Honourable Mr. Balcer, on the invitation of the Vice-Chairman, addressed the Committee briefly.

The following documents were tabled:

- (1) A list of suggestions received since June 1959 by the office of the Chief Electoral Officer, pertaining to The Canada Elections Act.
- (2) A list of the submissions received by the Standing Committee on Privileges and Elections since June 18, 1959, *re: Canada Elections Act*.

On motion of Mr. Richard (*Ottawa East*), seconded by Mr. Aiken,

*Ordered*,—That the two lists mentioned above be included in the Committee's records; (*See Appendix "A" to this day's Proceedings*).

The Vice-Chairman made an oral report on behalf of the Subcommittee on Agenda and Procedure. In that report the Subcommittee recommended "That the matter of *permanent lists* and *absentee voting* be the first topic for consideration by the Committee".

On motion of Mr. Aiken, seconded by Mr. Richard (*Ottawa East*),

*Resolved*,—That the above mentioned recommendation be now concurred in.

Mr. Nelson Castonguay was called and he made a statement respecting *permanent lists* and *absentee voting*. He was questioned extensively.

Mr. Hodgson suggested that the matter of *absentee voting* be shelved for the present.

*Advance Polls* were discussed; and comparisons were made of the experiences of the Chief Electoral Officer for Canada and the Chief Electoral Officer for Ontario concerning the costs and effectiveness of advance polls.

At 11.00 a.m. the Committee adjourned until 9.30 a.m., April 7, 1960.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

TUESDAY, April 5, 1960.

The VICE-CHAIRMAN: Gentlemen, we now have a quorum.

(In French, uninterpreted)

Gentlemen, I wish to say that I am honoured this morning to preside at this committee's meeting. I was asked by your chairman, Mr. Macquarrie, to preside in his absence in this committee. I hope this will meet with your agreement, and that you will bear with me and have as much patience as possible. I will try to conduct the affairs of this committee with the utmost diligence and understanding, and I hope your cooperation will be given to me fully—and I know it will be.

I also want to welcome the members of the press this morning. This is the first occasion I have had to do so in the committee, and I assure them that this committee will cooperate with them fully.

Also, might I say that we will try to keep this committee on an active basis until the closing time, which will be about 11 o'clock. I think it is a good time for closing, because there are other committees sitting and I think we should close at 11 o'clock, if there are no objections.

If there is no other business, would you read the order of reference RE the Canada Elections Act, Mr. Clerk?

The CLERK OF THE COMMITTEE:

Wednesday March 23, 1960. Ordered: that the standing committee on privileges and elections be empowered to study the Canada Elections Act and the report and evidence of the standing committee on privileges and elections, 1959, and to report to the House such proposals as the committee may deem it to be advisable. (Sgd) L.-J. Raymond, Clerk of the House.

The VICE-CHAIRMAN: Gentlemen, we have the honour and privilege this morning of having with us the Acting Secretary of State, Mr. Leon Balcer, who has honoured us with his presence and has gladly accepted the opportunity to say a few words to this committee. Of course, you all know Leon, and I will now ask the minister to say a few words to us.

Hon. LEON BALCER (*Acting Secretary of State*): Thank you, Mr. Chairman. First of all, I must assure you that the honour is all mine, and that you are very kind to welcome me to say a few words to the committee at the present moment.

As you all know, this is a very important committee. I think you can call it a committee of experts because, due to the fact you are all here today, that means that you are experts in the matters before the committee.

You will be studying some very important suggestions. I have read the report of what was discussed by the committee last year, and I hope that your discussions now will be as interesting and as fruitful as the ones of last year.

There is one point I would like to bring before you, and that is the fact that the session has already lasted quite a long time; but we hope that you will be through your work in time for new legislation to be brought forward in the House at this session. I am quite sure everybody agrees with this suggestion.

I want to say now how much we in Canada are privileged to have such a good electoral system, and especially such a fine Chief Electoral Officer, in the person of Mr. Nelson Castonguay, who has always presided over the elections of Canada with so much tact, fairness and efficiency. He brings to his work a family tradition that you cannot find in many countries in the world, and I think we are privileged to have such a devoted civil servant at the disposition of the Canadian people.

I wish you a very interesting time in the committee, and I just want to tell you that the Department of the Secretary of State is at your disposal. I trust you will not hesitate to call on our department for anything that you might need.

I wish you luck and good sailing.

The VICE-CHAIRMAN: Thank you very much, Mr. Balcer.

Mr. CARON: May I put a question to the minister?

The VICE-CHAIRMAN: Yes, Mr. Caron?

Mr. CARON: You spoke of legislation. Will we have a preview of that legislation before this committee, or will we have to wait till we are in the house to get that preview?

Mr. BALCER: It all depends on the committee. The committee will make recommendations, and then the government will study those recommendations.

Mr. CARON: There is no legislation ready up to now?

The VICE-CHAIRMAN: No, there is no legislation ready.

Mr. BALCER: The purpose of this committee is to study such things.

Mr. CARON: I heard the minister say some legislation may come up later on, so I want to know if there is actually legislation pending and if we would have a preview before it comes before the house, and before we continue the study of the electoral law.

Mr. BALCER: The committee will make suggestions and the government will study these suggestions.

The VICE-CHAIRMAN: Are there any more questions to be put to Mr. Balcer before we proceed?

Thank you, Mr. Balcer, for your timely words. We know we can count on cooperation from the Secretary of State's Department. It was a pleasure for us to have you with us this morning, and you can rest assured that whenever business comes up that concerns you we will call on you. We thank you for your presence.

We also have Mr. Nelson Castonguay with us this morning, the chief electoral officer, as you know. I know that most of you have come in contact with him or have had the opportunity of discussing matters with him; so I will ask Mr. Castonguay to come and take his place with us. That is so that everybody will see you or meet you, Mr. Castonguay.

Later on we will discuss these matters. Mr. Castonguay has been asked to give us some impressions of his ideas on the matters that we are going to discuss this morning, and that is why he is with us today.

We will now proceed with the agenda and, later on, we will come, with Mr. Castonguay to the main object of this morning's meeting.

We will now read the list of representations with reference to the amendments to the Canada Elections Act received by the Chief Electoral Officer since last session.

Would you like to have these representations just added as an appendix, or do you want to have them read now?

Mr. RICHARD (*Ottawa East*): No, table them.



Mr. KUCHEREPA: What general plan do you intend to follow in the study of this?

The Vice-CHAIRMAN: We are going to come to this and a few other items later. We will explain later on what is the plan, if you would not mind waiting.

Mr. RICHARD (*Ottawa East*): I move these letters and representations be added as an appendix to our proceedings.

Mr. AIKEN: I second that.

Motion agreed to.

(See Appendix "A".)

Mr. BELL (*Carleton*): That is simply a listing of them?

The Vice-CHAIRMAN: Yes, that is simply a listing of them. There are also representations received by this committee since the last session, since June 18, 1959, with reference to the amendments to the Canada Elections Act.

Mr. Clerk, would you like to read them, or shall we just have them as an appendix to this meeting's report?

Mr. RICHARD (*Ottawa East*): I move we put them in as an appendix to the printed proceedings.

Mr. AIKEN: I second that.

Motion agreed to.

(See Appendix "A".)

The Vice-CHAIRMAN: Now we come to the main item for discussion at this meeting, which was considered by the meeting of the sub-committee on Agenda and Procedure. The sub-committee recommends that the matter of permanent lists and absentee voting be the first topic for consideration by the committee.

This is the procedure which was discussed by your steering committee, in order to permit a more understandable discussion of the revision of the electoral act. The committee feels—and we had Mr. Castonguay's opinion on this—that the whole Electoral Act, perhaps not the "whole" act but the great majority of it, would be affected by permanent lists and absentee voting, together with the advanced poll. These are matters that are referred to, in some way or another, in about one-third of the law.

We thought that instead of going right ahead and proceeding to the study of the electoral law, item by item and section by section, it would be preferable to deal with the most important matter first and to dispose of it, as it affects one-third of the law, as I said. Then, when we have discussed and decided that aspect, we can come back and study the items individually and section by section, so as to permit a flow of permanent, constructive ideas, not entangled in questions of absentee voting, electoral lists, and such. This is why we thought it would be best for this committee to proceed with the permanent lists and absentee voting first, and then we would go back to the law and study it section by section.

Are there any comments or any objections?

Mr. AIKEN: I would move we accept the report of the sub-committee and proceed along the lines suggested.

Mr. RICHARD (*Ottawa East*): I second that.

Motion agreed to.

The Vice-CHAIRMAN: Gentlemen, I think we now come to the main part of this discussion and I would like to have Mr. Castonguay speak, as we have the chief electoral officer with us. He is a very competent man and knows his business more than I do mine—although I have had experience in elections

for many years back. I think Mr. Castonguay will give us a good idea of the purpose of this, and I would like him to give his impressions to this committee.

Mr. Castonguay, perhaps you would like to give your impressions on this main item?

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): Thank you, Mr. Chairman.

Mr. Chairman, the question of absentee voting and permanent lists has been studied by committees of the House of Commons for at least thirty years, at various times; and on one occasion the system of permanent lists and absentee voting was adopted, for the federal elections in 1934.

In 1934 the absentee voting provisions related to miners, fishermen and lumbermen. They had absentee voting privileges if they were absent not less than 25 miles from their own home polling division, and were within the province in which they were living. The system of permanent lists was used for the first time at the 1935 election.

A fair assessment of the performance of this system was made in the committees which sat from 1936 to 1938; and they recommended that the permanent list be discontinued and that absentee voting be discontinued.

The failure of the system, in my opinion, is attributable to the fact that they adopted permanent lists without the working parts of permanent lists.

There was a general enumeration of all the electors in Canada in October, 1934. Then the Franchise Act provided for an annual revision, which was held in June, 1935. The election was held in October, 1935.

With a permanent list, in order to vote an elector's name must be on the list; and with that very system, in 1935, the only time an elector could get on or off that list was during a three-week period in June, 1935. After that period was over there was no way of getting on or off the list.

The burden of keeping the list up to date fell chiefly upon the political organizations and the candidates during that period of revision in June, 1935. The revision was not done on a house-to-house canvass basis.

The onus was upon the elector to go to the registrar and notify him that he had arrived in the district and wanted to be on the list. The onus was pretty well on the political parties to have names removed of electors who had left the electoral district or who had died. Generally speaking, I think everyone was in agreement that that list was rather obsolete in 1935—so much so that legislation was passed to scrap the list, and not even use it as a basis for by-elections after 1935.

In my opinion, permanent lists, in order to be effective, must have a bi-annual house-to-house revision by enumerators. This opinion is arrived at from a study of permanent lists in the commonwealth countries of Australia, New Zealand, South Africa and the British Isles. In these countries they have a house-to-house revision. It is at least a bi-annual revision on a house-to-house basis.

An interesting point is that in Australia, where you have compulsory registration and compulsory voting, they still have a bi-annual revision on a house-to-house basis. They find it is essential.

The permanent lists in these countries are used for many purposes. It is effective in providing a shorter period of elections. It is effective in providing adequate safeguards for absentee voting. In some countries it is used for vital statistics.

If I may explain the mechanics, generally, of absentee voting, they are very much similar to the ones used in voting for members of the Canadian forces.

If an elector who normally resides in Windsor happens to be in Toronto on polling day at the general election, an elector with absentee voting rights may go to any poll convenient to him in Toronto and apply for the absentee

ballot. In the poll, that elector will be given a list of the candidates in Windsor, in the electoral district in which he resides, and he will write in that ballot, which is an absentee ballot, the name of the candidate for whom he wishes to vote.

He then inserts that ballot in this envelope, and fills out an application giving his name, his address in Windsor and the name of the constituency. Having done that, the ballot is put in this envelope and it is dropped in the box in that poll in Toronto.

At the close of the poll the ballot boxes are returned to the returning officer, and when he receives the ballot boxes he opens them and takes these envelopes out. Then, if he sees one for Windsor he mails it to the returning officer for the particular electoral district in Windsor. In the province of British Columbia, for example, they allow a period of three weeks for these absentee ballots to arrive at their proper electoral districts.

When they are received by the returning officer in Windsor the only safeguard—and some people will have various opinions as to whether it is adequate—to check this ballot, to check this envelope to see whether it is a ballot from an elector in Windsor, is to compare the signature on this envelope against the one on the application card for registration to a permanent list. If they compare then, that is the only safeguard they have in assuring whether it is a bonafide elector. The other procedure is, before this ballot is counted they check back to see whether this elector voted in the ordinary poll. If they find that he has not and the signatures compare—the signature on the envelope compares with those on the registration card—then the ballot is accepted.

Mr. CARON: Suppose somebody has voted instead of that person in Windsor, how can they check to see if it is bonafide, outside of the signature?

Mr. CASTONGUAY: They just reject this ballot, and this envelope is not counted.

Mr. CARON: Then the bonafide person may lose his right to vote because somebody else has voted instead?

Mr. CASTONGUAY: That is correct.

These are the general safeguards and the sort of overall mechanics of absentee voting, in a very minute form and in permanent lists. There are various other adaptations of this. In the province of Saskatchewan all an elector is required to do is fill out the application under the same circumstances, and the ballot envelope eventually gets back to the returning officer.

Mr. McGEE: In this system the electoral officer then knows exactly how everyone voted who voted on an absentee basis.

Mr. CASTONGUAY: No. I did not go into the detail of this. The returning officer may have three to four hundred envelopes like this. First, all the envelopes are checked and all the envelopes which are acceptable are put to one side. Those that are rejected are put to the other. Then the envelope is opened and they take out the one with no identification marks on it and drop it in a box.

Mr. RICHARD (*Ottawa East*): Is it put in the same box as the others?

Mr. CASTONGUAY: No. This is a count by the returning officer.

Mr. RICHARD (*Ottawa East*): If only four persons were absentee voters and they all voted for one party, then you would know how they voted.

Mr. CASTONGUAY: Yes. The same thing applies to ordinary polling stations. We have some ten or fifteen, or one hundred, all of whom vote for one candidate. Therefore, this particular problem arises.

The VICE-CHAIRMAN: Gentlemen, will you excuse the minister because he has other urgent business matters.



Mr. CASTONGUAY: This particular problem arises even under our present method.

The VICE-CHAIRMAN: Mr. Castonguay, I think this is a matter which brings a good deal of doubt to the minds of the members as to the secrecy of the ballot. This is one of the things which is most important in the democratic operation of a ballot. I am thinking of the extreme case where there would be only one person voting as an absentee voter. In that case the vote would be identified.

Mr. CASTONGUAY: We have this problem in respect of the Canadian forces voting regulations, but there is no way to overcome it. You have it under the present system.

Mr. PICKERSGILL: I have no difficulty in knowing how the one person voted who voted as an absentee voter in my riding at the last election.

Mr. RICHARD (*Ottawa East*): I must apologize for interrupting Mr. Castonguay, because I realize it would be much better to have Mr. Castonguay give us the whole story.

Mr. CASTONGUAY: In the province of Saskatchewan the system is basically the same except the only safeguards are provided in this particular section:

The returning officer shall open the parcel containing the absentee voters' ballot envelopes received from other returning officers and, with respect to each ballot envelope and before opening the same, examine the oath taken and subscribed thereon, examine the poll book, the voters' list and other election documents used at the polling place at which the voter alleged in his oath he was qualified to vote and if, from such examination and any representations made to him by the candidates or their representations he is satisfied that the voter was entitled to vote in the constituency and that no person has in fact voted as such voter at the said polling place, he shall open the ballot envelope, remove therefrom the folded ballot and, without unfolding the ballot, deposit it in a special ballot box supplied for that purpose.

Mr. ORMISTON: This is in relation to the province of Saskatchewan.

Mr. CASTONGUAY: Yes.

Mr. ORMISTON: In that case is the elector not given an ordinary ballot?

Mr. CASTONGUAY: No, he is given a special ballot.

Mr. ORMISTON: He still has to write his name on it.

Mr. CASTONGUAY: On the ballot he writes the name of the candidate for whom he wishes to vote, but on the ballot envelope there is a form of oath on which he gives his name, address, constituency in which he is ordinarily entitled to vote, and then he signs it and takes the oath that he is an elector of this riding.

In the province of British Columbia there is a comparison of signatures on the registration card against the one on the ballot envelope. There are two or three difficulties. For instance, in 1935, there were 5,334 absentee voters ballots—that is in the whole of Canada—on polling day. Of this number 1,533 were rejected. That is 28 per cent. In the province of British Columbia in the general election of 1952, there were 26,538 absentee votes cast. Of this number, 3,978 were rejected. That is 15 per cent. In 1953, there were 35,447 and of this number 6,926 were rejected. In 1956, there were 33,194 and of this number 11,288 were rejected. That is 30 per cent.

I might point out that in the province of Saskatchewan the first time they used the absentee vote there were 7,077 absentee ballots cast and 5,473 absentee ballots counted and 1,604 rejected.

My predecessor and the chief electoral officer for the province of British Columbia informed me that most of these rejected ballot papers were of electors who applied their vote in the wrong electoral district. They lived in Vancouver and did not know if they should vote in Vancouver-Burrard, Vancouver Centre or Vancouver South. To substantiate this theory, under the Canadian forces voting regulations at the last election 87,350 ballots were cast and there were only 1,517 rejected, which is 1.7 per cent. This is a method of absentee voting similar to that in Saskatchewan, British Columbia and in other countries.

I think part of the reason for that is every polling station under the Canadian forces voting regulations and every deputy returning officer there, is supplied with a book of key maps of all the large cities in Canada. In these maps where the streets intersect we have the last house number on that street. These key maps are supplied to each deputy returning officer. We have roughly 300 polling places for service voting. In addition, we give the deputy returning officer excerpts from the Canadian postal guide.

If absentee voting is adopted, I would say it would be essential in order to reduce the number of rejected ballots that a book of key maps and a postal guide be supplied to the more than 45,000 deputy returning officers in Canada.

MR. RICHARD (*Ottawa East*): All the votes of the armed forces are absentee votes. It is all absentee voting?

MR. CASTONGUAY: It is all absentee voting; yes.

These are the chief weaknesses or the chief problems which arise in absentee voting.

In respect of permanent lists, as I pointed out earlier certainly the experience of Australia is that with compulsory registration they found it was essential that to make permanent lists you have to have at least a biannual revision. In most of the states in the United States which have permanent lists they have at least a biannual revision and some have as many as quadrannual revisions on a house to house basis; that is, checking door to door. It is not a revision where the onus is on the elector to notify a registrar of a change.

To give you some idea of the extent of this, I anticipate that now we would have roughly 9½ million electors. I can give you a good indication as to the number of changes which may be required. For instance, in the family allowances accounts of 2½ million accounts there were 600,000 changes of address a year; that is 24 per cent. Of 850,000 old age pensioners accounts 150,000 changes of address a year were made.

MR. PICKERSGILL: In that case would they include the temporary changes of address of people going away on a couple of months holiday?

MR. CASTONGUAY: I am given to understand this includes all changes. That would be reflected to an election.

MR. PICKERSGILL: Many of the old age pensioners go away for a couple of months. They change their address and then change it back. It should not really reflect a change in residence.

MR. CASTONGUAY: No. I obtained from the bureau of statistics an estimate of the number of persons reaching the age of 21 years. It has now reached the point where there are 250,000 persons reaching the age of 21 every year. The number of deaths of persons over age 21 is 115,000 a year. This gives you a general picture of the number of changes which would be required to be made to a permanent list every year. I made enquiries in Toronto about the Bell Telephone Company directory and they tell me at least 30 per cent of their telephone directory changes every year because of changes of address or listing.



This may give you an idea of what is involved. I would say there would probably be 2½ million changes a year which would have to be made to a permanent list in order to keep it up to date. This cannot be done in a central way. It was attempted in 1935. All the lists were printed in Ottawa and all records kept in Ottawa. This is not practical. I would imagine this permanent list would have to be broken down into regional districts or to electoral district levels. If the permanent lists were all centralized in Ottawa I do not know whether or not we could get the lists to the districts in three weeks, and you can have an election in three weeks. The offices would have to be either regional, like the family allowances' offices, or decentralized further down to electoral districts with permanent registrars and staffs.

Mr. CARON: Are most of these absentee votes by persons who are on vacations or on business trips?

Mr. CASTONGUAY: That is very hard to say. I can give you an example. The province of Ontario at one time had the same provisions we have for advanced polls. They used to grant that privilege to commercial travelers, transportation employees and fishermen, as we would. They then broadened it to cover persons who by reason of business would have to be absent from home. Then they found that by reason of employment some persons have to take holidays at certain times of the year, and they broadened the privilege to permit anyone for any reason to vote at the advanced polls. This may give you some indication. It is hard to give a figure as to the number of persons who would be using these privileges. I know that in the commonwealth of Australia between 8 or 10 per cent of the electors avail themselves of the privilege of voting under the absentee voting procedures.

Mr. CARON: Have you ever thought of the possibility of having these electors go to the returning officer to get a check or certificate when they think they will be absent for three or four weeks, instead of having them go to the polls, take the oath, and vote. Have you ever thought of a method by which they might be able to go to their returning officer and get a certificate that they are entitled to vote in that constituency?

Mr. CASTONGUAY: Then you still would have to provide a means of getting that vote back to the district.

Mr. CARON: Yes; but we would be pretty sure it was a bona fide elector who was voting.

Mr. PICKERSGILL: Mr. Caron's suggestion would reduce vastly the number who would do it. It would provide a cast-iron check as to genuine electors.

Mr. CASTONGUAY: Is this to permit an elector under any circumstances to vote, or just one who is going to be absent?

Mr. CARON: One who is going to be an absentee from the constituency. The suggestion is that before going on his business trip he be able to go to the returning officer, tell him he will be absent, and ask for a check or slip so that he will be entitled to vote, and would have a certificate to that effect.

Mr. HENDERSON: In the vast country I come from a voter would probably have to come 500 or 700 miles. It is not feasible at all.

The VICE-CHAIRMAN: Gentlemen, I think you are giving opinions as to what should be done.

Mr. CARON: No. I am asking a question of the chief electoral officer.

The VICE-CHAIRMAN: Perhaps we should let Mr. Castonguay conclude his remarks, and then we may have a discussion.

Mr. CASTONGUAY: I have no further remarks to make. At the three meetings we had last year we discussed absentee voting and permanent lists.



Mr. CARON: Do you have any personal opinion to give on the whole matter of absentee voting? What would you as an expert prefer?

Mr. CASTONGUAY: If I may answer the question this way, I think practically speaking our system gives satisfaction. The only area where it does not give satisfaction is in this particular area of people who have to be absent from home and are not provided the means of voting.

Mr. PICKERSGILL: May I put a question. Does Mr. Castonguay think that, if we are to provide for persons who are likely to be absent on polling day from the constituency, it would be much better done by increasing the scope of the advanced poll rather than by providing for absentee voting?

Mr. CASTONGUAY: That would certainly be of some assistance in this problem. It would cure some of the weaknesses of our present system if the privilege of voting at advanced polls was extended to everyone.

Mr. PICKERSGILL: Do you not think the advanced poll is far better than absentee voting?

The VICE-CHAIRMAN: Would you please let Mr. Castonguay finish.

Mr. CASTONGUAY: My answer is that it would certainly cure some of the weaknesses we have in our system now. It would not cure the problem of the person who has to be absent from home on polling day and give him the privilege of voting wherever he happens to be on that day.

Mr. PICKERSGILL: Oh no.

Mr. CASTONGUAY: It would cure a certain percentage of the weaknesses.

Mr. McILRAITH: Could you give me any estimate of the percentage of cases which would be provided for?

Mr. CASTONGUAY: I do not have any Canadian figures. I have the Australian figures. That is about the only system in respect of which figures can be given. About 8 to 10 per cent of the electors of Australia avail themselves of the absentee method of voting.

Mr. McILRAITH: My question is, of that 8 to 10 per cent how many could be picked up by an enlargement of the advanced polling measures?

Mr. CASTONGUAY: There are three different methods of absentee voting. This figure of 8 to 10 per cent covers all these methods. They do not segregate the figures as to absentee voting and advanced polls. These are persons who voted through these extra facilities.

Mr. ORMISTON: Mr. Castonguay, with reference to the electoral law in Saskatchewan is it not true in the normal process of voting in that province that the name of the political party is associated with the candidate's name?

Mr. CASTONGUAY: Yes. It is on the ballot.

Mr. ORMISTON: Do you think it has any influence on the number of spoiled ballots?

Mr. CASTONGUAY: On the absentee ballots—no. The man is merely given a blank ballot and a list of the candidates with the political affiliations on it. The provisions are such that the elector does not have to be completely correct in writing down the name of the candidate. He may put down "John Doe" and the political affiliation, or just "J. Doe" or "Doe".

I think the number of rejected ballots has to do with the electors who apply their vote in the wrong electoral district. This applies a great deal in large urban centers which have six or seven electoral districts in a city and have a provincial name for the electoral district, a federal name, and a municipal name. There is a certain amount of confusion in these cases in the minds of the electors as to which district he is to vote in.

Mr. ORMISTON: The only point I have in mind is that the voter has access to a long list of names in Saskatchewan of the candidates and their political affiliations. He might be a Liberal but does not know the name of the candidate. He looks over the list to see the names of the candidates and the party affiliations. I thought that might have some influence on the number of ballots, and that it might show less spoiled ballots than under other systems.

Mr. CASTONGUAY: I do not think so. Our percentage of rejected ballots is slightly over 1 per cent, and we do not have the political affiliation on the ballot.

The number of rejected ballots I gave in Saskatchewan was in respect of the absentee ballots, not the overall vote.

Mr. MCGEE: Have you any rough estimate of what this system would cost, assuming it is recommended that it be installed?

Mr. CASTONGUAY: Last year I gave an estimate as to the initial cost to set it up, taking the enumeration; that is, the taking of the signature from every elector in the country would involve \$6 or \$7 million in setting it up. Then you have to have the enumerators to go out and collect the signatures. The cost of revising it would depend on what you decide. If you have a biannual revision I would estimate the revision would be about \$2½ million on a house to house basis, on each occasion. If you have two a year that would be \$5 million. The cost of setting up the framework of a permanent list where you have a staff of getting this information and bringing it up to date would depend on the extent you decentralize. If you decentralize down to the electoral district you would have a permanent registrar with a stenographer, office, and messenger, and there are 263 of them. It might be broken down to regional districts and the same as in respect of family allowances, and this would reduce the cost. However, the initial cost of setting up the list would run between \$6 and \$7 million and the revision on a house to house basis or a farm to farm basis would be in the neighbourhood of \$2 or \$2½ million and if it is done twice a year that would be \$5 million a year.

Mr. HODGSON: Is the same legislation necessary for the armed services?

Mr. CASTONGUAY: The armed services is basically the same but they fill out a statement of ordinary residence, one copy of which is kept with the documents and one copy is sent to headquarters. So there is no cost in collecting the name of the member of the Canadian forces; there is no appreciable cost in keeping a central record of his name.

Mr. PICKERSGILL: Have you ever given any thought to this? If we have a permanent list—and I do not mean a permanent list for the purpose of absentee voting, which I think is ridiculous—but for ordinary purposes, with the kind of revision that is now made just before an election, you would eliminate the enumerator—that is all—if you had that done by the regular employees of the Post Office Department, to be paid an additional salary for that purpose? Could this not be done very much more cheaply than any other way?

Mr. CASTONGUAY: It could be done much more cheaply in that way, if the Post Office Department would agree to it.

Mr. PICKERSGILL: If parliament said the Post Office Department had to do it, they would have to do it.

Mr. CASTONGUAY: Yes; you would have your letter carriers, and your rural mail carriers, and you would have to supplement them in some places



where that service is not there. That service would greatly reduce the cost. The estimate I have given is to proceed as we do now, to select enumerators and use people not in the Civil Service.

Mr. PICKERSGILL: I am thinking of doing this in a way that would supplement the incomes of existing people, instead of employing comparatively new people, and having it done on a rotary basis over the whole year, so there would not be too much work at any one time. There would be just the original enumeration, and you could keep all the rest of the machinery that we have for the revision, and so on.

This is not to provide absentee voting, but just to provide a continuous method and shorten the period of elections.

Mr. CASTONGUAY: This would reduce the cost of revision considerably.

Mr. PICKERSGILL: There is no question that persons of the Post Office would produce more accurate lists than anybody else, because they know everybody.

Mr. AIKEN: I hope it would be a lot more accurate than the rural directory.

Mr. CARON: Mr. Castonguay, is there an advantage in having a permanent list; that is the point?

Mr. CASTONGUAY: I would like to spare myself from commenting on that.

Mr. CARON: Do you think it would be preferable to have a longer period before the election so the enumeration and revision could be carried out, rather than to have a permanent list—and it would cost a lot less?

Mr. CASTONGUAY: I would still like to be spared commenting on that, because I think this involves a matter of principles.

Mr. CARON: I am asking these questions of Mr. Castonguay because he is an expert. You have been in this business all your life, since you started to work: you work for this department and you know all the troubles we have met before. I think you are the most advised man to give your views on this matter.

Is it an advantage to have a permanent list, or could it be done without a permanent list to greater advantage?

The VICE-CHAIRMAN: I do not think Mr. Castonguay has had prior experience of permanent lists, so I do not think he can reply to this.

Mr. CARON: He has no personal knowledge of it for the federal election; but Mr. Castonguay has been engaged in, and is carrying on a study of all kinds of elections throughout the world, so he has much more knowledge of these things than we have. This is why I am asking him, as an expert, not as a man interested in an election—because the only interest he has is that the election is carried out fairly.

The VICE-CHAIRMAN: Yes. My objection was made so that the committee will not get entangled in a decision before the committee itself has had time to discuss this matter.

Mr. CARON: I am not asking him to give a decision; I am asking him to give an opinion. We make the decisions.

The VICE-CHAIRMAN: I think the committee should have time to discuss this at their leisure, before any opinion is given on this matter.

Mr. CARON: We would have the opinion of an expert. If he prefers not to give it, that is all right; I am satisfied.

The VICE-CHAIRMAN: I think that is what he said a while ago, that he preferred not to give his opinion.



Mr. CARON: On this same matter, before we go to something else—

Mr. HODGSON: Are we not getting on to the question of absentee voting?

Mr. CARON: If it places Mr. Castonguay in a very bad spot by giving an opinion on this matter, I do not press it.

The VICE-CHAIRMAN: I think we should not insist, because Mr. Castonguay said that his position was a little difficult in this matter—and we are not discussing absentee voting.

Mr. HODGSON: I think that the members of this committee understand absentee voting. I think Mr. Castonguay gave a very good outline of it—and we all understand it, anyway. I move that “absentee voting” be shelved for the time being.

Mr. PICKERSGILL: Before that motion is carried, Mr. Chairman, I have a question which I would like to put to Mr. Castonguay, which I think would throw a lot of light on this matter. I quite agree with the motion of my friend.

I would like to ask Mr. Castonguay if he has any statistics about the experience in the province of Ontario, since they extended the advance poll. I mean, has he any figures for the last election, when they had the same qualifications as we have, and the first election after they extended the scope? I think that would help us a great deal to decide this other question.

Mr. BELL (*Carleton*): There were two elections held, on which the scope—

Mr. PICKERSGILL: My question is: what statistics has Mr. Castonguay that he can give on that subject? I think it would be very helpful to the committee.

The VICE-CHAIRMAN: Gentlemen, there are personal discussions going on at the end of the room. We still have a regular meeting here, and I would appreciate it if the personal discussions could be concluded after 11:00 o'clock.

Mr. CASTONGUAY: In Ontario in 1948 they had the same provisions for people voting at advance polls as we have. There were 102 advance polls established, and 3,563 votes cast at advance polls.

In 1951 the provisions were broadened to permit anyone to vote, for reasons of employment, who had to be absent—for reasons of employment only. They established 356 advance polls; 5,059 votes were cast.

In 1955 the provisions were broadened to give the right of voting to anyone, for any reason. There were 407 advance polls established, and 9,444 votes cast.

In 1959 there were 294 advance polls, and 9,218 votes cast. So that they doubled, slightly, the total of the vote by extending their privileges to anyone for any reason.

Mr. MCGEE: What percentage of the total was that?

The VICE-CHAIRMAN: Gentlemen, would you address the Chair if you have questions. If you do that, the committee will keep in order.

Mr. MCGEE: What did this advance poll vote represent, as a percentage of the total vote cast?

Mr. CASTONGUAY: I have not the percentage here, but the total vote was 3,196,801—and 9,218 advance poll votes. I am sorry; these are the electors on the list. I have not the total votes.

Mr. PICKERSGILL: Mr. Chairman, I did not catch the vote before the election, before any change, when they had the same rules as we had.

Mr. CASTONGUAY: The vote then was 3,563, and the number of electors—not people who voted—was 2,623,281.

The VICE-CHAIRMAN: Can you explain to me, Mr. Castonguay, the difference there. Before, in 1955, there were 407 advance polls, with 9,000 votes. Then in 1959 you had 294 advance polls, and more votes cast.

Mr. CASTONGUAY: There were less votes cast in 1959.

The VICE-CHAIRMAN: There is just a difference of 200.

Mr. CASTONGUAY: There is just a difference of 200.

The VICE-CHAIRMAN: But you had nearly 115 polls less.

Mr. CASTONGUAY: Mr. Lewis, the Chief Election Officer for Ontario, told me that when they extended the privilege to everyone to vote they thought they would also have to provide extra facilities, and they went on a yardstick of one advance poll for 20 polling divisions in an electoral district. They found, on first experience, there were too many advance polls, so they reduced them in 1959.

Mr. BELL (*Carleton*): Mr. Chairman, does Mr. Castonguay have the estimates made by Mr. Lewis as to the cost of the advance poll in Ontario, in each of these years?

Mr. CASTONGUAY: We have not got the total cost, I am sorry. But we can give you an idea. An advance poll, under the federal system, costs roughly \$50 a day. If you have three-day advance polls, it is \$150. Ontario has two-day advance polls. The cost of an advance poll is the rent, the fees to the D.R.O's and the poll clerks. Those are your major costs.

Mr. MCGEE: Would you give me those figures again for 1959—the total number of electors, and the advance polls.

Mr. CASTONGUAY: Two hundred and ninety-four advance polls; 9,218 electors on the list. Nine thousand two hundred and eighteen votes cast at the advance polls, and 3,196,801 electors on the list.

Mr. AIKEN: Mr. Chairman, I have a few things to say on the motion which Mr. Hodgson moved.

Mr. PICKERSGILL: Mr. Chairman, I have a question—

Mr. AIKEN: Is there any reason why the motion should not be put, and then we will discuss it? We are walking around in circles here.

Mr. PICKERSGILL: I want to clear up another factual point.

The VICE-CHAIRMAN: We did not have a seconder, and therefore we should complete the questioning before we bring the motion into the picture. We did not get any seconder of that motion.

Mr. AIKEN: In that case, Mr. Chairman, I would just like to say what seems to be the consensus, that the subject of permanent lists, as far as the committee is concerned, seems to be beyond our capacity in Canada, in view of change in population and rapid growth.

Mr. PICKERSGILL: On a point of order, Mr. Chairman. I think you have ruled that those who had factual questions they would like to have answered should be heard first. Before we embark on this general discussion, we should have our questions cleared up.

The VICE-CHAIRMAN: I think that objection is quite clear, and I think we should get the answers to all questions first, because we are here for the purpose of getting answers to questions. I think we should go on with the questions and answers, and then deal with this matter.

Mr. AIKEN: I take objection to that, Mr. Chairman. I do not speak very much in the committee, and I have not today, and I do not think I should be cut off on the very few remarks I intend to make.

The VICE-CHAIRMAN: What is your objection, Mr. Aiken?

Mr. AIKEN: I merely wanted to say, Mr. Chairman, that the figures that have been given so far show that there has been no tendency to have permanent lists, and that the committee seems to be favouring advance polls. The figures that Mr. Castonguay has given today have made quite a difference from what was stated last year, because in our committee last year it was felt that there was going to be a tremendous increase, because in the 1955 election there



were 407 advance polls and, 9,444 votes cast. At that time we thought we could wait until we saw what happened in the 1959 election in Ontario. I think that has changed the picture quite considerably, because the number of advance polls has been cut back and the number of votes has remained static. I am simply arguing on the same point that Mr. Pickersgill raised a few minutes ago, that the conditions for advance polls seem to be favourable, and I would like to see us go into a discussion of that as quickly as possible.

Mr. PICKERSGILL: Mr. Chairman, perhaps I might be permitted to put my question now. My question is this: Does Mr. Castonguay know whether there are any difficulties, apart from the cost, in conducting these advance polls? Has there been a large number of ballots rejected; has there been any considerable amount of impersonation, or anything of that sort, which would make this Ontario extension objectionable?

Mr. CASTONGUAY: I spoke to Mr. Lewis on the subject of what the change brought about, and none of these problems which you have just pointed out arose.

Mr. KUCHEREPA: Mr. Chairman, we have figures here for Ontario in the advance polls. We also have them federally. You have to take in a factor here, and that is the percentage of the voters, before you can arrive at any final conclusions in so far as cost is concerned. The number of voters federally is, I believe, much higher, percentage-wise, than provincially, so you would have to find that factor and compensate for it before we could have a clear picture as to what the extension of advance polls might demonstrate.

Mr. CASTONGUAY: I have worked out something, if you wish to discuss this particular phase now.

The VICE-CHAIRMAN: I think it will be in order if we get those figures before the committee now. Is there any objection from the committee?

Agreed.

Mr. CASTONGUAY: This is on the basis of establishing advance polling districts in urban areas—35 polling divisions per district. An advance poll district would comprise 35 polling divisions, so the electors in polling divisions numbered one to 35 would be included in an advance poll district, and they could only vote in that district.

This is the draft suggestion. The advance poll would be established in every city, town or village of 1,000 population or more. This is in the rural areas. In an urban electoral district, such as the electoral district of Carleton, with this particular formula there would be five advance polls.

In the electoral district of Bonavista-Twillingate, there would be two.

Mr. CARON: How many would there be in Hull?

Mr. CASTONGUAY: In the electoral district of Hull, there would be eight.

Mr. McGEE: What about York-Scarborough?

Mr. CASTONGUAY: In York-Scarborough you would have ten.

The VICE-CHAIRMAN: Do any other members want statistics?

Mr. CASTONGUAY: This gives a member an idea of how this formula would apply to his own district.

Mr. HODGSON: How many in Victoria, Ontario?

Mr. CASTONGUAY: Victoria, Ontario, would have three.

Mr. MONTGOMERY: You might as well give me Victoria-Carleton, New Brunswick.

Mr. CASTONGUAY: That would include three, under this formula.

Mr. HODGSON: Could you tell me where those three would be located in Victoria, Ontario?



Mr. CASTONGUAY: On these statistics, I cannot; I am sorry, Mr. Chairman. They are not worked out in detail.

The VICE-CHAIRMAN: I do not want to interfere, gentlemen, I think it is a fair question, but I think that for personal information you could see Mr. Castonguay after the meeting and he could give you this information then. In that way you will not delay matters in this committee. I think we should proceed.

Mr. CASTONGUAY: I have that information, Mr. Chairman.

The VICE-CHAIRMAN: Well, I think that if you do it for one member, you will have to do it for all members of the committee.

Mr. HODGSON: I will see you afterwards.

The VICE-CHAIRMAN: I think it would be better, Mr. Castonguay, if the members saw you after this meeting. I think we should keep in the line of questions for Dr. Kucherepa's information.

Mr. CASTONGUAY: The total number of advance polls, under this formula, in Canada, would be 1,259. If you lowered the 1,000 for cities, towns and villages to 500, it would be 1,634 advance polls in Canada. If instead of putting the yardstick on 1,000 population for cities, villages and towns, you lowered it to 500, it would be an increase of 400 more polls, which would be 1,634 advance polls.

Mr. HODGSON: When you say "population", do you mean voters on the list?

Mr. CASTONGUAY: No, I mean the population as per the last census. The over-all cost is as follows: at the last election we had 256 advance polls, and the total cost was \$36,264. The present plan would bring the cost to \$187,910. That is, with a limit of 500 for villages, cities and towns, 1,634 advance polls.

Mr. BELL (*Carleton*): I am not clear what Mr. Castonguay means by this 1,000 limit. Does that mean only those who live in communities of over 1,000 would be entitled to vote in the advance polls, and his rural brothers would not?

Mr. CASTONGUAY: No: it would be just a yardstick to find the location of where the advance poll is to be established.

Supposing you have two villages in a rural constituency, plus an urban area—say, in Richmond—we would have an advance poll there but we would make an advance polling district and the electors in the adjacent polling divisions would go to Richmond to vote. You have to put advance polling districts in your rural areas.

The reason for advance polling districts is this: if you allow an elector to vote outside his advance polling district, he may have four or five advance polls in his electoral district and he would have a wonderful time going from one to the other all day. But if you limit it to polling district one to five as an advance polling district, the electors in that advance polling district would vote in Richmond. Then 36 up to 70 would be another polling district and would be located somewhere out in Nepean, and only the electors from polling districts 36 to 70 could vote there. The idea is not to allow electors to move about. If you have five advance polls in a district, not giving him a choice to go to any one of the five. This is the standard safeguard used in many places where they have extended the privileges of advance polls to everyone, to have some control.

If you have, in York-Scarborough, ten advance polls, and any elector can go to any one of the ten, it is pretty difficult to control. But if the electors from polling districts one to 35 are only allowed to go to No. 1, and the others to No. 36, or something, there is a measure of control.

This is just a draft proposal, and it is just to give you an indication. There must be some yardstick as to where these advance polls are to be established.

I do not think the returning officer should be given the arbitrary decision of setting things up where they are convenient. If you use an advance poll district in the 35 urban poll divisions, and in the rural districts you lower the figure to 500 population or more, certainly there are in the village of Richmond adjacent polling divisions where the community interest is in Richmond. Then you can group all those in there—and, in other places, to vote at Richmond.

Mr. KUCHEREPA: If I may follow up this question, Mr. Castonguay: Could you give us a comparison of the present federal cost in connection with advance ballots cast, as compared with the cost of an advance ballot cast in the last provincial election for the province of Ontario?

Mr. CASTONGUAY: I have not got the figure for Ontario, but I have the number of votes cast in the advance polls at last federal election. There were 11,228 votes, and the cost was \$36,264.

Mr. KUCHEREPA: How much did it cost?

Mr. CASTONGUAY: \$36,264; and there were 11,228 votes.

Mr. KUCHEREPA: In Ontario, at the last provincial election, there were 9,218 votes cast, and you do not know the cost of that?

Mr. CASTONGUAY: We have not the exact cost.

Mr. KUCHEREPA: If we could find the cost of that we might well compare them, because Ontario represents, in a broad sense, the whole country, because of the size of population and the nature and make-up of electors.

Mr. BELL (*Carleton*): I gather that you estimated the cost to be above \$30,000 in Ontario?

Mr. CASTONGUAY: The cost of the poll would be about \$150—an advance poll.

The VICE-CHAIRMAN: Would you like to have those figures?

Mr. BELL (*Carleton*): That is, for two days.

Mr. CASTONGUAY: It would be less than that—about \$100.

Mr. BELL (*Carleton*): One hundred dollars for 294 polls?

Mr. CASTONGUAY: The cost would be \$100, roughly, in Ontario.

Mr. BELL (*Carleton*): A little better than—

Mr. CASTONGUAY: It would be \$100 per advance poll. That would be an approximate estimate for Ontario.

Mr. KUCHEREPA: Twenty-nine thousand dollars, more or less which means that with the extension of the privileges which they have been given in Ontario, the cost to the government of Ontario is about the same as it is federally—for the advance poll—in which case it is more restricted; is that a fair conclusion?

Mr. MONTGOMERY: Ours is three days; theirs is two days.

Mr. CASTONGUAY: You are estimating the cost of one province only, Ontario, as opposed to the whole cost of the federal advance polling system. To project my proposed plan here to 35 urban polling divisions per advance polling district, and an advance poll in every city, town and village of 500, you would have in Ontario 478 advance polls.

Mr. MONTGOMERY: Mr. Chairman, this question may have been answered already, but I want to make sure that I have understood it correctly. If a constituency has quite a large town in one end of it, say, 5,000, and there are only about 18,000 voters in the whole constituency, which is 125 miles long, would the advance poll only be in the town of the large population, and anyone wanting to vote at that town would have to travel 125 miles?

Mr. CASTONGUAY: This formula which I have given is just a sort of general yardstick. The returning officer, or the chief electoral officer, would have to have power to establish advance polls on representations, because this formula—for instance, there are one or two electoral districts where there would be



no advance polls, even with this formula. Therefore, the returning officer of the electoral district, or the chief electoral officer—or both together—would have to have the power to establish advance polls in these particular areas on representations from interested parties. This could not be a rigid formula.

Mr. PICKERSGILL: Is there any real reason—and there may be some exceptions to this—that in the average urban riding there should be more than one advance poll, even if it were in a central place? I am asking for information. As you know, I have nothing to do with urban ridings.

Mr. CASTONGUAY: There is a reason. The average urban riding contains about 40,000 electors. Now, I am not speaking in regard to the riding of the member from York-Scarborough; but under our present facilities—under our present provisions of the act, only commercial travellers, transportation employees, fishermen and members of the R.C.M.P. and reserve forces have the privilege of voting at an advanced poll, and one is sufficient. I suggest that if the committee should recommend that the privilege be extended to everyone, who is to tell you that on one day of voting 200, 300 or 1,000 electors will not turn up. If you extend the privilege you would have to extend the number of polls. Ontario started by being generous, and then later cut down. However, I have tried to make this formula as generous as possible, keeping in mind the cost. However, I do not think that you can hope to handle the traffic at one advanced poll per riding if you give the privilege to everyone to vote at an advanced poll.

Mr. PICKERSGILL: The average person really does not know whether he is in poll 1-35 or poll 36-70, but the average person knows where the Ottawa city hall is. As far as Ottawa East is concerned, it seems to me that it would be a lot easier, even if you had a few more officials there.

Mr. CASTONGUAY: Well, you know the basic principle in our act is to establish, wherever possible, a polling station in the polling division itself. If you have it in a convenient location, they will turn out, but if you put it ten or fifteen blocks away it acts as a deterrent.

Mr. AIKEN: You gave us a figure of 498 polls in Ontario, on a basis of 500.

Mr. CASTONGUAY: 478.

Mr. AIKEN: Did you have any figure on the basis of 1,000 of population?

Mr. CASTONGUAY: Yes, 412.

Mr. MCGEE: I would like to follow up Mr. Pickersgill's line of questioning. Would you not agree that some of these other district breakdowns, which you mentioned earlier, confused the electors as to what constituency they lived in, and that this type of location of the poll would be far clearer to the person, as far as indicating where he should go. In other words, I am thinking that in the case of two or three counties, like I have, that you could designate that those in the township of Markham would go to one point, and this would be a much better way of telling them where to go than any polling number?

Mr. CASTONGUAY: You are quite right.

Mr. HODGSON: For instance, where we have an area—and that is subsequently settled—there are people all over that county, and you do not have a town with a population of 1,000, that county should be allowed one advanced poll.

Mr. CASTONGUAY: It should have maybe more. The problem comes up that if you put an advanced poll in a village, and there is one twenty miles away, that village will also want an advanced poll. I am speaking of the practical aspect of it. As I pointed out earlier, this is the broad principle or formula, but the chief electoral officer or the returning officer, or both, would



have to take some discretionary power to establish additional advanced polls, on representations from political organizations.

The VICE-CHAIRMAN: Gentlemen, are there any more questions?

Mr. McGEE: Could I follow up that line of thought, Mr. Chairman? What about Mr. Henderson's riding of Cariboo where you have vast reaches of sparsely settled country.

Mr. CASTONGUAY: Cariboo would have five advanced polls.

Mr. HENDERSON: I have a settlement which is 800 miles away and, with the Indians voting, it is going to be a heavy poll.

Mr. CASTONGUAY: Under this formula, in the electoral district of Cariboo there would be an advanced poll in the city of Prince George, one in the village of Quesnel, Vanderhoof, Fort St. John and Dawson Creek, plus the discretionary power of the returning officer or chief electoral officer to establish additional advance polls where needed.

Mr. HENDERSON: I think you should establish additional ones. McBride is a big city.

The VICE-CHAIRMAN: Are there any more questions?

Mr. KUCHEREPA: As we are reaching the hour of eleven o'clock, perhaps rather than making any decision on any motion today, we should come back another day, and give further consideration to it.

The VICE-CHAIRMAN: This has been my first sitting as your Vice-Chairman. I hope I was not too harsh on you.

The next meeting will be on Thursday at 9.30, at which time we will resume this discussion.

## APPENDIX "A"

### SUGGESTIONS RECEIVED SINCE JUNE 1959 PERTAINING TO THE CANADA ELECTIONS ACT

Name and Address	Date	Addressed to	Amendment suggested
1. Dr. William F. Little...	18/12/59	Prime Minister.....	Voting by Civil Servants abroad.
2. Canadian Construction Assoc.....	18/ 8/59	Chief Electoral Officer....	Absentee Voting—Hours for polling.
3. Manitoba Chambers of Commerce.....	9/59	Secretary of State.....	Single Alternative Vote.
4. The Canadian Chamber of Commerce.....	12/59	Chief Electoral Officer....	Hours for polling—Advance Polls.
5. Oshawa and District Labour Council.....	21/10/59	Prime Minister.....	Voting by people in hospital.
6. Federated Women's Institutes of Canada...	1/ 9/59	Secretary of State.....	Advance Polls.

List of Submissions received by the Standing Committee on Privileges and Elections since June 18, 1959, re: Canada Elections Act.

1. Recommendations on certain aspects of Legislation, governing political broadcasts (submitted by Canadian Association of Broadcasters).

NOTE: A copy of this brief was sent to each member of the 1959 Committee, as ordered on June 22, 1959.

2. Request for an opportunity to discuss the possibility of broadening Sections 45 (7) and (14) in order that invalids and aged persons, who are confined to their homes, may be able to exercise their franchise (Submitted by Canadian Council for Crippled Children and Adults).

3. Resolution that the Canada Elections Act be amended to include provision for "Absentee Voting" and for the extension of the "Hours of Voting" (Submitted by the Canadian Construction Association similar to resolution sent by that organization to The Chief Electoral Officer).

4. Endorsations of the Resolution of the Canadian Construction Association re: "Absentee Voting" and "Hours of Voting" (submitted by Lakehead Builders Exchange, and the Victoria Building Industries Exchange).

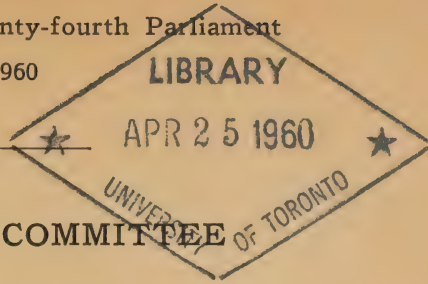
5. Resolution re: "Absentee Voting" and "Hours of Voting" (submitted by the Edmonton Builders' Exchange).

6. Resolution re: "Absentee Voting" and extension of "Polling Hours" (submitted by Hamilton Construction Association and Builders' Exchange).

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

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THURSDAY, APRIL 7, 1960

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Respecting  
CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

THURSDAY, April 7, 1960.

(5)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Vice-Chairman, Mr. Georges J. Valade, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Deschambault, Godin, Henderson, Hodgson, Howard, Kucherepa, McBain, McIlraith, McWilliam, Montgomery, Paul, Richard (*Ottawa East*) and Valade.—(16)

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer; and Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee resumed consideration of The Canada Elections Act, and particularly to the question of *permanent lists* and *absentee voting*.

Mr. Castonguay explained the difference between *absentee voting* and *advance polls*.

Mr. Hodgson moved, seconded by Mr. Aiken,

That this Committee recommends that no amendment be made to the Elections Act with reference to *absentee voting*.

The motion was adopted on the following division—*Yeas*: 12; *Nays*: 1.

Mr. Aiken moved, seconded by Mr. Richard (*Ottawa East*),

That this Committee recommends that no amendments to the Election Act be made for the provision of *permanent lists*.

The motion was adopted on the following division—*Yeas*: 12; *Nays*: 1.

Mr. Kucherepa moved, seconded by Mr. Bell (*Carleton*),

That the *advance poll* be extended in principle to all those who take a declaration that they will not be present on polling day at their ordinary place of residence. *Adopted unanimously*.

Mr. Castonguay tendered and explained a draft of proposed amendments to the Canada Elections Act, that would be required to extend the scope of *advance polls* as envisaged in the abovementioned motion.

*Agreed*,—That the draft of the proposed amendments be included as Appendix "A" to this day's Evidence.

At 10.50 a.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
Clerk of the Committee.



## EVIDENCE

THURSDAY, April 7, 1960.

The VICE-CHAIRMAN: Gentlemen, it is now 9.30; we have a quorum and are able to proceed.

I would appreciate it if the members at the back of the room would come closer to the front. In that way you will not have to speak so loudly, and there will be no hearing difficulties.

From discussions during the last meeting, and after the last meeting, it appeared to me that there seems to be a considerable amount of confusion in the minds of some members as to the difference between absentee voting and advance polls. If you do not mind, I would like to ask Mr. Castonguay if he would give us a clear definition of the difference between these two subjects.

Mr. NELSON J. CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, an advance poll only permits an elector to vote in his own electoral district if he expects to be absent on a polling day and, under our present provisions, it permits him to vote only on Thursday, Friday and Saturday prior to polling day. So, the elector can only vote in his own electoral district at the one advance poll now established in his own electoral district.

Absentee voting permits an elector to vote in an electoral district other than his own. For instance, if an elector, who resides in Ottawa, happens to be in Winnipeg on polling day, he may vote in Winnipeg for a candidate who is contesting the election in his own electoral district in Ottawa.

That is the basic distinction between the two.

If you would like me to elaborate further, I would be pleased to do so.

Mr. HODGSON: Mr. Chairman, I do not think this absentee voting will work out. It may in the rural areas, where the returning officer knows everyone; but in congested areas it will not be satisfactory.

I moved a motion at the end of our last meeting, which was not put. Since that time I have thought it over, I redrafted it, and the member for Muskoka seconded it.

I would like to see that motion put, and discussed. Mr. Aiken and I have discussed this.

The VICE-CHAIRMAN: Gentlemen, will you please not carry on private discussions while we are in committee. I would ask you to stay in order.

It has been moved by Mr. Hodgson and seconded by Mr. Aiken "that this committee recommends that no amendment be made to the Canada Elections Act with reference to absentee voting".

Since this motion concerned absentee voting and because of your suggestion at the last meeting, Mr. Hodgson, that is why I asked Mr. Castonguay to make the difference clear to us, in order that the motion could be understood.

Mr. AIKEN: I presume, Mr. Chairman, that we can proceed now to discuss the different features in further discussion.

The VICE-CHAIRMAN: Gentlemen, the matter is open now for discussion. Has anyone any questions, or anything to say, in regard to this question of absentee voting?



Mr. AIKEN: As Mr. Hodgson moved the motion, and I seconded it, I would like to say a few words.

At the last meeting, Mr. Castonguay gave us a very full explanation of absentee voting. I felt then that it was pretty generally believed in the committee that absentee voting, under Canadian conditions, would not work out at all. Our population is constantly changing, moving, and increasing; and permanent lists are a tremendous responsibility. These, I understand, are necessary for absentee voting.

I felt that the general feeling in the committee last meeting was that it would be unwise to embark on absentee voting, and that we should concentrate our efforts in making provision for advance polls so that they would be easier for people to use—to enlarge the number of advance polls, and enlarge the class of people.

For the above reasons, I am very pleased to second the motion.

The VICE-CHAIRMAN: Gentlemen, is there any further discussion?

Mr. HOWARD: Mr. Chairman, I think I should express my opposition promptly to the motion at this stage. May I also apologize for not being here at the initial meeting of the committee when this matter was discussed quite extensively, in so far as costs and other mechanical factors are concerned in regard to establishing absentee balloting.

I wonder whether it is wise now to say that we should make no recommendations or no changes, in that broad sense, in regard to absentee voting. It may be that we might be able to approach this in a sort of a confined way, if that is the desire of the committee—even though I am partial to the complete system of permanent lists and the right of the people to vote absentee from their own polling division on election day, which is somewhat similar to the system that exists in British Columbia. We have had permanent registration lists there for a number of years; and they are revised normally only at election time, or prior to an expected election. I may say that it has functioned fairly well, and has afforded an opportunity to those people, because of the job they have, and other factors which take them away from home on election day, to vote.

I appreciate that it is a costly process to establish permanent lists, which are necessary in order to ensure the election is conducted in an honest forthright manner which, otherwise, it might not be in some parts of the country, and might be in others. If I might explore the matter further, to give an example, you could think in terms of an absentee ballot being allowed to a person registered in St. John's, Newfoundland, but temporarily in Vancouver. He could vote on election day in Vancouver for his candidate in St. John's.

We could think in terms of that absentee ballot being confined to either the province in which the person is, or in an adjacent province; or something of that nature. Or, we could think of it in terms of its only applying within his own electoral district—that is, he is an absentee from his own polling division but in the same electoral district. In this case there would not be the complication of the deputy returning officer having to provide him with a list of the candidates running, because they would be there in his own constituency.

Gentlemen, I think we probably should look at it in those terms. Can we establish absentee balloting, if not on a nationwide basis, then on some narrower basis; say, within his own province, or within the electoral district in which he is registered in the first place.

I think we have established a principle of absentee balloting in connection with our armed forces. They are not resident within the polling division in which they are registered, and they cast their ballot by absentee voting. The

ballots are counted some time later—I do not know the number of days—after polling day. I think we should establish the same sort of principle in regard to a person who is absent from his riding because of his job. He is as much entitled to vote as armed forces personnel who are absent from their riding on election day.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I think Mr. Howard has expressed the viewpoint of those who are in favour of absentee voting in general. My only remarks are these: we have been through this on many occasions; we have had the benefit of the advice of the chief electoral officer in regard to the conditions and the cost involved in our country, and I think this committee—and Mr. Howard would know this if he had been here at the last meeting—indicated that they were in favour of a form of absentee voting, because the Committee is inclined to agree that we have an advance poll open to everyone in an electoral district. That, of course, is feasible, with certain restrictions which Mr. Castonguay has explained and, no doubt, will explain again. However, I am not convinced, with the kind of study we can give to this matter in this committee during one session, that we can put absentee voting outside of an electoral district into effect properly under the circumstances.

Mr. CARON: I think there is quite a difference between absentee voting in connection with the armed forces and the general public. Although the armed forces are not on the list, there is a certain degree of control over them. However, if you go outside of that, it is hard for anyone to keep a control on the thing.

I think that we might as well start at this point and enlarge our reasons for advance poll voting, instead of absentee voting.

I would favour the motion.

Mr. HODGSON: I think, as you say, that we should extend the advance poll, and leave this where it is at the present time.

Mr. HOWARD: I did not touch on advance polling because I do not think it was in the terms of the motion. They are two different subjects entirely.

Mr. HODGSON: Yes.

Mr. HOWARD: So far as advance polling is concerned, I am in favour of everyone having that privilege—every registered voter, if he expects to be absent on polling day. If that is the case, he should have a right to vote at the advance poll.

Mr. HODGSON: Yes, I agree it is a different subject completely.

The VICE-CHAIRMAN: Gentlemen, will you please come to order. If you would ask for the right to ask questions, I will give you that right, in turn.

Mr. HODGSON: I was just saying that the advance poll is an altogether different item on our agenda. It is a separate issue, and we have to treat it as such.

The VICE-CHAIRMAN: Mr. Godin, do you have a question?

Mr. GODIN: Mr. Chairman, I note that we are discussing two different subjects, but the motion refers only to one.

I am definitely in favour of giving more scope to the advance poll. This would allow voters who, in the past, have missed their opportunity to vote, to have that opportunity.

I am opposed to the opinion of those who try to introduce in this country absentee voting.

Mr. Chairman, I feel the motion is very odd. Are we going to produce motions in this committee, indicating the things which we do not want to do, as we proceed with our work, or should we reserve our motions for those



things that we have studied and to which we have given approval? I do not follow the meaning or the reason for this motion this morning.

The VICE-CHAIRMAN: Mr. Godin, you were not here at the last meeting.

Mr. GODIN: No.

The VICE-CHAIRMAN: This committee will revise the entire electoral law. We are dealing with three main subjects. We are going to deal with absentee voting, permanent lists and advance polls because they concern about one-third of the law itself. It was the wish of the committee to discuss these three questions first, and then go back to the law, item by item. You will have an opportunity to revert to these matters, when the time comes for discussion.

We will proceed, as the steering committee has decided, and will continue with the recommendations.

Have you a question, Mr. Aiken?

Mr. AIKEN: I was going to say just about what you have said, Mr. Chairman, in answer to Mr. Godin's question.

In seconding the motion, I felt that we would have to keep this in an orderly manner. We have to dispose of each of these items before we go on to the general revision, because if we keep talking about advance polls, go back to absentee voting, then talk about permanent lists, and then absentee voting again, we will get terribly confused. I think that is the reason we decided last week that we would deal with it in that fashion.

Mr. RICHARD (*Ottawa East*): Perhaps Mr. Castonguay could give us some opinion on this. At the present time, our act is based on the present system of voters lists brought about by enumeration after the writ is issued. The thought of the last meeting was to dispose of the question as to whether we want to go on with the present type of voters list or whether we want a permanent list, because absentee voting requires a permanent list. I think the understanding was that once we went into the different sections, these questions having been disposed of, we would not be able to go back and say: I did not like this or that, thereby starting the discussion all over again.

That is the reason the motion is brought up.

The VICE-CHAIRMAN: Mr. Peters?

Mr. HOWARD: Mr. Chairman, I realize that Mr. Peters and I are associated with one another to quite an extent these days, and that it is easy to get the two of us mixed up.

However, there is one other explanation which I would like to express in regard to absentee voting; that is, to draw a distinction between an urban poll or a rural poll, or a constituency which is comprised to a great extent of rural population. At the moment, there is in a rural poll an arrangement whereby a person may vote, even though his name is not on the list. However, he has to take an oath that he is over 21 years of age, is in the electoral district, that is name is so and so, and so on; and if he, at the same time, can find someone—one or two persons who are on the list, who will vouch for him, say that they know him, know that he is 21 years of age, and know that he is in the riding and eligible to vote. He could then vote. This is not an absentee vote, but it is a system of voting in a rural poll where a person may not be on the voters list. However, he can vote upon being vouched for by someone who is on the list in that particular division. There are different problems which arise in large or rural constituencies, such as the one from which I come, which are not present in constituencies that are purely urban, like those in Toronto, Montreal and other metropolitan cities.

On the question of allowing an absentee ballot within a constituency, even if it is on a rural poll basis, I think we should extend the present system to



allow absentee voting in full within the constituency. For an example, in an urban poll like Vancouver East, there are a number of polling divisions, but it is easy for a person who may happen to be working in one end of the riding, to get to his own poll within half an hour, either by bus or car. In rural constituencies the problem is different. Lawyers, doctors and travelling salesmen may find that although they may initially intend to be in their polling division on polling day, that it is impossible for them to do so because something comes up; they leave, and they do not make arrangements to vote in the advance poll. In these cases, they find themselves in another polling division on polling day.

I am wondering whether the committee would not consider allowing that type of absentee balloting to exist—after the person has been vouched for, proven, identified, or something of that nature. This would overcome the problem of people being away from their own polling division. If we had that, I am sure it would allow more people to cast their ballot when, through no fault of their own, they do not have that opportunity. I think you would still be able to establish all the safeguards that are necessary to ensure that the person who just voted has the right to vote, and that he is not going to vote again, and is not doing anything illegal.

The VICE-CHAIRMAN: Mr. Howard, I would like to give my views on that subject. I realize that you are referring to rural areas only.

I can recall a case of a person who was living in a small town, in a rural area, and who went fishing for the week-end of the election. This fellow would have liked to vote beside his fishing camp in his riding. However, voting is a duty for every citizen. I may say that I am speaking personally in this matter. However, I think that if we make it so soft and easy that the people will not have any efforts to make, they will not realize any longer that it is a duty for them to cast their ballot. It is my opinion that in some rural areas, where you have fishing and hunting, there are a lot of people who will go fishing and hunting instead of voting, if the election comes in the fishing or hunting season. I have just illustrated one case.

Mr. HOWARD: I was not arguing the case on behalf of sports fishermen, but on behalf of a person who, unfortunately, because of his duties or his job, is away.

The VICE-CHAIRMAN: I was referring to an abuse that could come about.

Mr. AIKEN: In answer to Mr. Howard, while we do not want to go into advance polls now, the preliminary discussions which we had with Mr. Castonguay indicated that the very set-up he would propose would probably answer Mr. Howard's complaint, because the preliminary proposal was very broad for quite a number of advance polls within each riding. It would answer his difficulty. There would be an average of four or five advance polls in each electoral district.

Mr. HENDERSON: I would like to say a few words in regard to absentee voting. I have had a world of experience with advance voting, primarily in 1924. It was brought in that year by the government that was in power—and it was a Liberal government. I was identified with the Conservative candidate, Fred Burton. He was defeated by 51 votes, and there were 51 absentee votes. The provision was that you could not have a recount over 50. They only had it that year; they never had it again.

Mr. RICHARD (*Ottawa East*): Never had what?

Mr. HENDERSON: Never had the absentee voting.

Mr. HOWARD: They have it now.

Mr. HENDERSON: Yes, they have it now. I am talking about 1924. They brought it back in 1928. It was a real "schlemozzle".

Mr. HOWARD: Of course, you will appreciate that I was not eligible to vote at that time.

The VICE-CHAIRMAN: Gentlemen, is there any further discussion on this? If not, shall we have a vote on this motion?

Mr. HOWARD: I expect that I will be a minority of one, by the sound of things.

The VICE-CHAIRMAN: Shall we have a vote or is it unanimous?

Mr. HOWARD: No, it is not unanimous!

The VICE-CHAIRMAN: It is on division.

Some hon. MEMBERS: Put the question.

The VICE-CHAIRMAN: All those in favour?

Mr. MONTGOMERY: I would like the motion read again.

The VICE-CHAIRMAN: This committee recommends that no amendments be made to the election act with reference to absentee voting.

It has been moved by Mr. Hodgson and seconded by Mr. Aiken.

Would all those in favour raise your hands?

The CLERK OF THE COMMITTEE: Yeas 12; nays 1.

Motion agreed to.

Mr. AIKEN: Mr. Chairman, having disposed of that, I think we should now proceed to permanent lists, which are somewhat of an adjunct to absentee voting.

The VICE-CHAIRMAN: Yes, that would be in order.

Mr. AIKEN: I would move that this committee recommends that no amendments to the election act be made with reference to provision for permanent lists.

Mr. RICHARD (*Ottawa East*): I second the motion.

The VICE-CHAIRMAN: It has been moved by Mr. Aiken and seconded by Mr. Richard "that this committee recommends that no amendments to the election act be made for the provision of permanent lists".

Are there any questions in regard to this motion?

Mr. MONTGOMERY: Mr. Chairman, I understand that if we adopt permanent lists it would require at least an annual or semi-annual revision; is that correct?

Mr. CASTONGUAY: I would say that it would require a minimum of a biannual revision. This is my own personal view. However, in every country where it is used, they have a minimum of a biannual revision, and they have as high as a quadra-annual revision.

Mr. MONTGOMERY: It seems to me that it is an expensive proposition, and at this time I would not favour permanent lists.

The VICE-CHAIRMAN: Are there any other questions?

Mr. HOWARD: Only in so far as the need for absentee voting is concerned.

The VICE-CHAIRMAN: I will now read the motion:

Moved by Mr. Aiken, seconded by Mr. Richard "that this committee recommends that no amendment to the Election Act be made for the revision of permanent lists."

Mr. CARON: Would you read it again please.

The VICE-CHAIRMAN: That the committee recommends that no amendments to the Election Act be made for the provision of permanent lists.

Mr. CARON: That is better—provision.

The VICE-CHAIRMAN: Will all those in favour of the motion so indicate. Motion agreed to.

The VICE-CHAIRMAN: Gentlemen, now if we proceed according to the instruction of the steering committee, I think it follows that we should now discuss the advanced poll question.

Mr. KUCHEREPA: At the last meeting of this committee I suggested some ideas I had in this regard. At this time I should like to make a motion so that we will have something to discuss.

I move, seconded by Mr. Bell (Carleton), "that the advance poll be extended to all those who take a declaration they will not be present at polling day in their constituency".

The VICE-CHAIRMAN: It is moved by Mr. Kucherepa, seconded by Mr. Bell (Carleton), "that the advance poll be extended to all those who take a declaration that they will not be present on polling day in their constituency".

Mr. KUCHEREPA: You missed the words "in principle".

The VICE-CHAIRMAN: I will read it again: that the advance poll be extended in principle to all those who take a declaration that they will not be present on polling day in their constituency.

Are there any questions on the motion?

Mr. HOWARD: You are speaking about absentee balloting now?

Some hon. MEMBERS: No, no.

Mr. HOWARD: You had better confine it to the polling division.

The VICE-CHAIRMAN: What is your objection, Mr. Howard?

Mr. HOWARD: If we say that the advance poll is open to all those who take a declaration that they will not be in their constituency on polling day, then what of the person who will be in his constituency but will be away from his polling division which might be 200 miles distant from where he is.

Mr. KUCHEREPA: I am prepared to accept that change in the wording of my motion. We can change it to read "In their polling division".

The VICE-CHAIRMAN: Instead of "their constituency".

Mr. KUCHEREPA: Yes, because there are constituencies; as in the Northwest Territories, which extend over a large territory.

The VICE-CHAIRMAN: I will read the motion again: "that the advance poll be extended in principle to all those who take a declaration that they will not be present on polling day in their polling division".

Mr. AIKEN: May I make a comment. I think the amendment which has been suggested is an excellent one because it does provide a type of absentee voting in large polls.

The VICE-CHAIRMAN: You spoke about an amendment. Is this being regarded as an amendment?

Mr. KUCHEREPA: I have amended my original motion.

Mr. AIKEN: That is what I am referring to. It will make the advance poll provisions much broader for the persons in rural divisions. I presume this is put forward as something to discuss and that by the time we get through discussing it we may very well change it again. This is all right for large rural polls, but it is not a necessity at all in the case of urban polls because in an urban poll if a person is out of the polling division he might be merely across the street. I think we might consider that possibility. Perhaps the chief electoral officer could give us some guidance on that. There are two separate situations as I see it. The motion Mr. Kucherepa has made will ease the situation in the large areas because if a person is going to be out of his polling division he might be two or three-hundred miles away, and this would



give him the right to vote. I am not sure it would work out in the same way in an urban division. Could Mr. Castonguay give us any guidance on that problem?

Mr. CASTONGUAY: Mr. Chairman, I have prepared a draft proposal embodying what I anticipated would be the wishes of the committee. You will find that these draft proposals are familiar to some of you because I prepared, along with Dr. Ollivier, a bill for a former member of the house. This bill has seen the light of day on the odd occasion. I have since modified it. If I may I will give the members copies of it.

This bill will not accomplish what the motion requires in so much as it will only allow an elector to vote in an advance poll in his advance polling district. As I pointed out at the last meeting it was my thought that an electoral district should be divided into advance poll districts. In an urban electoral district I thought an advance polling district should be about 35 polling divisions. In that event electors in polling divisions 1 to 35 could only vote in the advance poll established for that particular polling district. Then the electors in polling divisions Nos. 36 to 70 could only vote at the advance poll established for advance polling district No. 2. My thinking behind the suggestion is to prevent electors from going to any advance poll in an urban electoral district where there may be 10 advance polls. If you do not put in this restriction the possibility could be that the elector could go to 10 advance polls to vote.

I can see the difficulty in what Mr. Howard has pointed out in so far as in rural areas this present plan may present a hardship. This present plan requires that advanced polls be located at villages, towns and cities of 500 or more population. This is just to bring about a formula to assist in locating advance polls so that if an advance poll were established in village "X", the returning officer would then group around village "X" polling divisions which have a community of interest with that village so that in the rural area you would also have advance polling districts, but of necessity these would not be as convenient to the electors as in the case in the cities. This pretty well confines the elector to vote in his advance polling district. So in your particular district, Mr. Howard, it is quite convenient an elector would be 100 miles away and in another advance polling district he would be barred from voting there because his name was not on the list of the polling division in the other polling district. There could be some modification made of that.

Mr. HOWARD: Would it be that all of an electoral district would be covered by advance polling divisions?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: There would be no blank area?

Mr. CASTONGUAY: No. The whole district would be divided into advance polling districts.

Mr. MONTGOMERY: Could you change that polling division to polling district or the next adjacent polling district in a large area? A person might be near the border in one district and would be handier to the next district.

Mr. CASTONGUAY: That would be left to the judgement of the returning officer. You are speaking of a rural area?

Mr. MONTGOMERY: Yes.

Mr. CASTONGUAY: If an advance poll was authorized in village "X" and he formed an advance polling district of the polling division adjacent to community "X", the community of interest would be there. He would try to divide his district and leave no blank spots.

Mr. MONTGOMERY: I do not mean that. Here is district "X" and here is district "Y". A man may live just across the border of this district but is

much handier to the advanced poll in "X" than in "Y". I just raise the point for consideration. I think if we change that wording from polling division to polling district then it would be what we would all like.

Mr. KUCHEREPA: Are we not discussing the advance poll here rather than voting on polling day?

Mr. MONTGOMERY: Yes.

Mr. KUCHEREPA: At the advance poll the person will be in his own district. My motion actually could look after one of the thorniest problems of all, the transfer vote of persons.

In my motion the person could go to the advance poll and it would do away with the transfer vote. This deals strictly with the advance poll and not voting on election day. Therefore, the technicalities suggested by Mr. Castonguay relative to the fact that we can have a polling district with 35 sub-divisions is a technicality which can be worked out.

Mr. BELL (*Carleton*): Mr. Chairman, it seems to me the objective of Mr. Kucherepa's motion is simply to get an expression of opinion from the members of this committee as to whether or not the right to vote in an advance poll should be extended to all those who are absent necessarily from their place of ordinary residence on election day. If we get that principle established, then we can work out the details. Although I seconded the motion, I am not convinced entirely that Dr. Kucherepa is right in suggesting we should do away with transfer certificates. There may be some other problems in relation to that. Later we can work out the actual details as to how it is to be operated.

The VICE-CHAIRMAN: Are there any questions on the motion?

Mr. CARON: I think we should keep the transfer certificates. A decision might be taken at the last minute to transfer a man from a poll.

Mr. MONTGOMERY: As the motion reads I can see Dr. Kucherepa's point, but before we vote on it do you think we should eliminate the polling division and polling district. The principle would be to widen it for advance polls.

Mr. KUCHEREPA: That is why I introduced the phrase "in principle". I think we have many details to work out.

The VICE-CHAIRMAN: I think the question here is the principle of the matter.

Mr. AIKEN: I think Mr. Montgomery's point is well taken because the motion as it now reads settles one of the points on which we have not agreed and that is whether it will be absence from the polling division or absence from the constituency. I think if we are to vote in principle we should take that part right out because we would be settling the thing which has not been settled.

Mr. BELL (*Carleton*): Why do we not say "those who are absent from their place of ordinary residence".

Mr. KUCHEREPA: I will agree to that change in the original motion.

The VICE-CHAIRMAN: Is it an amendment?

Mr. CARON: No. The mover agrees to the change in his motion.

Mr. KUCHEREPA: It would read: that the advance poll be extended to all those who take a declaration that they will not be present on polling day at their ordinary place of residence.

The VICE-CHAIRMAN: Are you deleting the word "principle"?

Mr. KUCHEREPA: No: Extend in principle to all those who take a declaration they will not be present on polling day at their ordinary place of residence.



The VICE-CHAIRMAN: Shall I read the motion again?

Mr. MONTGOMERY: Please.

The VICE-CHAIRMAN: It is moved by Mr. Kucherepa, seconded by Mr. Bell (Carleton), that the advance poll be extended in principle to all those who take a declaration that they will not be present on polling day at their ordinary place of residence.

Mr. MONTGOMERY: I would like Mr. Castonguay to state whether or not he sees any serious opposition to that before we vote.

Mr. CASTONGUAY: I do not think it is my position to give an opinion on a matter of principle.

Mr. CARON: Is it workable that way?

The VICE-CHAIRMAN: I do not think Mr. Castonguay should give an opinion.

Mr. CARON: I do not agree with you. I believe we are asking an opinion which would help us in forming our own opinion afterwards. We are not obliged to take Mr. Castonguay's opinion, but being an expert he can certainly enlarge our views in respect of these matters. I would like to know whether or not it is workable the way it is drafted?

Mr. CASTONGUAY: I can say the same provisions exist in other provinces and that it is working satisfactorily.

Mr. CARON: Thank you.

The VICE-CHAIRMAN: Are there any further questions?

Those in favour of the motion please so indicate.

Motion agreed to unanimously.

The VICE-CHAIRMAN: Gentlemen, before we go into our study item by item I think Mr. Castonguay should have the opportunity of explaining his draft to you.

Mr. CASTONGUAY: Mr. Chairman, there is one provision in this draft amendment which I know serious objection has been taken to in the past. In order to have this work as satisfactorily as possible in the mechanics of taking the vote to guarantee there will not be voting on the ordinary polling day by persons who have voted at their advanced poll, I have provided for a period of 21 days between nomination day and polling day. The reason for that is this: under our present provisions we have voting on the Thursday, Friday and Saturday before the ordinary polling day which is the following Monday. Under our existing provisions we know that at our advance polls, which number roughly 256, not more than 50 electors on an average will vote at these advance polls. It is not too much of a problem for the returning officer, between Saturday night and the opening of the polls on Monday at eight o'clock in the morning, to notify the deputy returning officers in the ordinary polling stations that 50 persons have voted at the advance polls. If this committee extends the privilege to all electors I do not think any member of this committee, or I, could say how many people will use this privilege. If there are 2,000 people—and it is conceivable—who may use this privilege, I think it would be a physical impossibility for the returning officer to find 100 deputy returning officers on Sunday to inform them that 1,000, 2,000, or 500 people had voted at the advance polls. This is where I think a great deal of protection should be given to prevent doubling the vote. It is essential that the deputy returning officer at the ordinary polling station be advised that so and so on his list has voted at the advance poll. To do this in a period of 24 hours, especially on a Sunday, is an impossibility. If the information is sent on the Monday in some cases it may be at noon or in the afternoon when it reaches the deputy returning officer and in the meantime there would be people who would have voted since the poll opened at 8 o'clock.



This plan provides what I consider adequate time for the returning officer to take the necessary measures to notify the deputy returning officer that electors have voted at the advanced poll. Now it is provided for voting on the 10th and 9th day before polling day, on the Friday and Saturday the week before the ordinary polling day, so that the returning officer has five or six days in which to notify the deputy returning officer. People with urban constituencies will probably think this period is too long but I would suggest that people with large sparsely settled electoral districts will feel that this period of time is essential in order to get this information. In some areas long distances are involved and in many rural areas the communication and transportation systems—the telephone and telegraph companies—close on Saturday and do not open until Monday. We have had this experience. My thought would be in the urban areas that if this period is provided a returning officer would be able to strike the names off the lists before he delivered the ballot boxes because in the urban areas usually the ballot boxes are delivered in the week preceding polling day. In the rural area he would have to notify the deputy returning officers by telephone or whatever method is necessary.

It has been said in this committee before that there is objection to extending this period between nomination day and polling day to 21 days. As I understand it, the main reason given is that it gives the parties less time to choose candidates. We now have a period of roughly 58 to 60 days between the issuance of the writ and polling day. If we extend the period between nomination day and polling day another week it means the parties have one week less in which to choose candidates. That has been a serious objection in the past. The other objection has been that a candidate in an urban area will be in the campaign a week earlier than in the past. This objection does not apply to a large rural area, because the candidate is usually unofficially campaigning a month before he has to. These are the two main objections raised to the extension of the period between nomination and polling day.

This could be reduced. We could go back four days and have the advance polling day on the Monday and Tuesday. However, I thought I would give the committee what I think are the maximum safeguards. Then it will be for the committee to decide. If the voting took place on Monday and Tuesday before the ordinary polling day, then we could have still the 4 days and the returning officer would still have time to notify the deputy returning officers that people have voted at advance polls.

Mr. CARON: Would the Saturday be included? Saturday, Monday and Tuesday?

Mr. CASTONGUAY: Then you have the problem of getting the ballots printed and delivered. It is no problem in an urban area, but in the rural area you have to have time because the facilities are not as great as in the cities. In the rural area it may take a returning officer 4, 5 or 6 days to get his ballots printed whereas in the city it is usually done in about two days. You must allow them time to get the ballots printed and distributed to the deputy returning officers at the advance polls, and then you must allow a period after the voting at the advance polls to allow the people at the ordinary polls to be advised of those who have voted at the advance polls.

Mr. BELL (*Carleton*): If people are in favour of Monday and Tuesday, the 7th and 6th days, do you see any problem in getting ballots printed or in notifying the deputy returning officers after the close of the polls on the Tuesday.

Mr. CASTONGUAY: There will be no more problems than exist now.

Mr. BELL (*Carleton*): It could be operated quite satisfactorily?

Mr. CASTONGUAY: Yes; it could be.

Mr. CARON: Would we be fulfilling the purpose of this if we do not have the Saturday? A lot of people come home only on Friday evening and leave on Monday morning. Saturday would be the only time they have at their disposal. That is why I am interested in Saturday, any Saturday.

Mr. AIKEN: Saturday and Monday.

Mr. CASTONGUAY: It may bring some hardships in some rural districts in order to get the ballots printed in time to be delivered.

Mr. KUCHEREPA: Is it not true that in some rural areas nomination takes place earlier?

Mr. CASTONGUAY: Yes. There are 21 districts in which nominations take place in 28 days. There are a combination of factors. You may have a very small rural area which may have no printing facilities. The area itself would not require the 28 days period, but I know of two constituencies where there are no printing plants and the printing work has to be sent to a large center a couple of hundred miles away.

Mr. KUCHEREPA: They could be reclassified.

Mr. CASTONGUAY: That would be the only reason why they should be classified for 28 days.

Mr. KUCHEREPA: I do not think there would be a tremendous hardship in doing that reclassification to accommodate the constituency itself.

Mr. CASTONGUAY: I see no objection to Saturday—if we can include other districts in the 28-day category.

The VICE-CHAIRMAN: I have a question to ask, which is of an informative nature. You have heard of those countries where balloting is done on Sundays. I am just wondering if this committee should not test the possibility of balloting on Sundays. In this way a lot of problems would be avoided.

Mr. BELL (*Carleton*): But—

The VICE-CHAIRMAN: Just a minute, Mr. Bell. I am asking Mr. Castonguay for his opinion.

I would like to ask Mr. Castonguay if he has some knowledge of balloting on Sundays in other countries. If there are objections to it from committee members, we can discuss it. Mr. Castonguay, can you give us any information on this matter?

Mr. CASTONGUAY: Frankly, I have no information that would be helpful. I have never made a study of that particular feature of voting.

Mr. BELL (*Carleton*): Because of the inferences that are involved, I would like to say that my constituency would revolt immediately against any suggestion of voting on Sunday.

Mr. AIKEN: I think there is no point in discussing it in the province of Ontario. There is no point in discussing it at all. They would not accept it.

The VICE-CHAIRMAN: My question was directed to Mr. Castonguay's experience in this matter; and I made that clear.

Mr. CARON: I would not see any objection in Hull, because we have Sunday sports over there.

Mr. CASTONGUAY: Mr. Chairman, in reply to Mr. Caron, with regard to voting on Sunday, I still think if we had voting on Saturday and Monday, that this could be done with the present plan. It would give the returning officer four days to get his ballots printed. However, we would have to look at the category of other electoral districts to see which ones could be included in the 28 days category.



We have 21 constituencies now where there is a period of 28 days between nomination day and polling day. I would have to examine the other districts to see which ones I would have to include in this 28 days in order to overcome the problem of getting the ballots out on time. However, it could be done in most electoral districts.

Mr. CARON: I believe we have to keep Saturday for the travelling salesman.

Mr. MONTGOMERY: Mr. Chairman, I would like to bring a point up. I take it that in this principle we are assuming that we will do away with the person, who intends to vote, going to the returning officer and getting a certificate to vote, and getting his name struck off.

Mr. CASTONGUAY: That principle no longer is in existence. This plan which I have now means that if a person wishes to vote in advance polling district No. 1 and his name is on a list for any of the polling divisions in the advance polling district, he goes to the deputy returning officer and fills out an affidavit saying that his name is there, that his address is so and so. He is permitted to vote after completing the affidavit and, also, if his name is on the list of electors.

On the other side of it, I think the returning officer should have the control of notifying the deputy returning officer. He then would have to get all the information. Say, there are four advance polls. He would have to get the information from four advance polls in regard to the electors who have voted, and it would be his responsibility to notify the deputy returning officer at ordinary polling stations that these people have voted at advance polls. You cannot put the responsibility on a deputy returning officer of an advance poll to notify 35 returning officers of ordinary polls that people have voted. This must be under the control of the returning officer. Moreover, this plan provides that a list of people who have voted at advance polls be provided to every candidate in the field.

Mr. HODGSON: I think you had better stick to Monday and Tuesday.

Mr. MCBAIN: I can see the purpose of having Saturday and Monday for this advance poll. In my area we have a lot of railway employees. They are travelling crews and, if the advance poll is on a Monday, this travelling crew may leave before the poll opens on Monday, and may be held up at the other end of the line. In that case, they would not be back until the poll closed on Tuesday. If we had it on Saturday and Monday, it would give them much better opportunity.

Mr. CASTONGUAY: The other provision is the formula for establishing advance polls, which I explained at the last meeting. This present plan would involve the establishment of 1,634 advance polls.

Mr. KUCHEREPA: On a 500 basis.

Mr. CASTONGUAY: Yes, plus 35 polling divisions.

This also would bring a saving in the revisal districts. Perhaps I am going too far ahead. However, the revisal districts would be reduced, because the work of the revising officers is very little. I think if we increase the number of urban polling divisions to 35 in an urban revisal district, and bring it in line with the advance polling district, it would reduce by quite a lot the number of revisal districts.

Now, this yardstick of 25 is one which I set. The act gives me that authority. To date, we have set up 25, but we find the revising officers do little work, and they could take an increase of 10 polling divisions.



These are the main features of the bill, but there are many other details. I think the main objection would be to the 21 days. We must provide sufficient time to get the ballots printed and provide sufficient time to deputy returning officers to notify the returning officers that people have voted at advance polls.

Mr. BELL (*Carleton*): I am concerned as to whether the 35 is not too small, and whether it actually should be larger, thereby reducing the total number of advance polls, and the cost.

For example, five are suggested in my riding. I really do not see the need for five in my riding. I am satisfied that with one in the rural section and one of two in the urban section our needs would be taken care of.

My friend from Hull is going to have eight, and it is not a populous riding. I doubt if he needs that many to provide the facilities for that constituency.

Mr. CASTONGUAY: You would have five in the city of Hull. Then, you have the town of Gatineau, the town of Buckingham, the village of Pointe-à-Gatineau, the village of Templeton and the village of Masson. That is where they would be established. They come under the formula 500, but 5 come under the formula of 35 for the urban part of Hull. There would be five advance polling districts.

Mr. CARON: And, if the number of voters, who took advantage of it, increased, we might need more polling divisions.

Mr. CASTONGUAY: Now, in the electoral district of Carleton, we have five in Ottawa, and one in the township of Nepean—

Mr. BELL (*Carleton*): I hope I am not becoming too treasury-minded, but I think it is an extravagance to provide that money. I just say that I need three in my riding, in order to service it.

Mr. AIKEN: I was wondering if Mr. Castonguay could give any information as to whether more than one advance poll is necessary in an urban district. Is it on account of the number of people who are likely to vote? Is that why?

Mr. CASTONGUAY: I think that we have to change our thinking in connection with advance polls, if you are going to extend the privilege to everyone to vote at the advance poll. As it stands now, our act is designed to take the vote solely of commercial travellers, transportation employees, fishermen and members of the Canadian reserve forces. On an average, we have roughly 50 votes per advance poll. So, it is a well known fact that one advance poll now in most electoral districts—that is, one district that is wholly urban—is sufficient to take the vote of an electoral district that is wholly urban, with 30,000, 40,000 or 60,000 urban electors. But, if the committee extends the privilege to everyone, they must also extend the facilities. I am convinced of this. Can you imagine the ridiculous situation that would happen in an electoral district of 50,000 urban electors, and 500 or 1,000 people turned up on the first day—and no one can tell you they will not. I, for one, would not want to take the responsibility of having one advance poll in an electoral district of 50,000 urban electors, and all of a sudden on polling day have anywhere up to 500 or 600, or even up to 1,000, turn up on the first day—and, again, no one can say they will not. This is possible—from experience in Ontario. On other days, you could gamble on the fact that perhaps you will not get 500 or 600. However, you cannot gamble on it; if you extend the privilege of voting at an advance poll, you must give the facilities.

Mr. AIKEN: I note from the figures which you gave the other day on Ontario that there was almost a tripling of the number of persons who voted from 1948, when only the limited number could vote, until 1955, when it was open. It was almost triple. The number of advance polls were also tripled. But,

I see in 1959, the second year of voting privileges, that the votes did not increase and, in fact, the number of advance polls was reduced. Would you anticipate that might be the result federally? In other words, if we provided more advance polls and you found they were not actually used or required, could they be cut off? I assume so. Is there a provision for such an arrangement?

Mr. CASTONGUAY: If you accept the formula of my draft proposal it would mean that the committee, after the next election, would have to review this, and change the formula. And in Ontario, they have not a formula such as I have provided in this draft proposal. It is left to the discretion of the returning officer plus the election board of the area. I spoke to Mr. Lewis, the chief election officer for Ontario, and he said they found that they had established too many. But, he also pointed out that he thought—but he does not know—that the reduction in advance polls may have not contributed to help to get a bigger vote out. He said he was in no position to substantiate this. He said that it was a possibility that once you reduce the number of advance polls you reduce the facilities, and he thought that may be a reason why this vote did not increase at advance polls in 1959. However, they did attempt to reduce them after the 1955 election, because they thought they had established too many.

Mr. HODGSON: In Ontario there are sometimes as low as two votes recorded ad advance polls.

Mr. CASTONGUAY: Yes, and we have some with zero votes.

Mr. KUCHEREPA: I think Mr. Castonguay is right in principle. In Ontario the vote has tripled since extension of advance polls, but in federal elections there is a greater percentage of the people voting than in provincial elections; and based on the average of 50 per advance poll, then we can expect at least 200 per advance poll, on the basis of your statistics, which you offer to this committee now.

Mr. CASTONGUAY: You see, an advance poll can handle roughly 300 electors during a day. Now, if all those electors came in in an orderly way on a time schedule, you could possibly handle more; but, you have your peak periods, and I would suggest that in the peak periods you could not handle it, if you only had one. But, if you had 500 people turning up at one advance poll, and they turned up at 9.01 and 9.02, and throughout the day, one advance poll could handle 500 or 600 people. However, you are quite aware of the fact that we have peak periods. The same thing applies to advance polls as ordinary polls.

Perhaps I was too generous in this formula, but it seems to me that if you extend the privilege you have to extend the facilities.

Mr. HODGSON: Well, if we leave it that way until the coming election, we could get a barometer on it, and maybe we could change it.

Mr. CASTONGUAY: The act is always reviewed after an election.

Mr. HODGSON: But, in the coming election, you will have to make preparation for more votes.

Mr. GODIN: Would you explain again just how the yardstick is used in regard to urban?

Mr. CASTONGUAY: The proposal is to group 35 urban polling divisions into an advance polling district, somewhat similar to our revisal districts now. Say, you have an urban constituency with 100 polling divisions. Polling divisions No. 1 to 35 will consist of advance polling district No. 1. Advance polling district No. 2 will consist of polling divisions No. 36 to 70; and advance polling district No. 3 will consist of polling divisions No. 71 to 100. Now, in polling divisions 1 to 35, only the electors of these 35 polling divisions would be able to vote at the advance poll in advance polling district No. 1. If your name was on a list of polling division No. 1, you could not vote in advance polling district No. 2.



In regard to rural, the formula would be that in every village or town of 500 population an advance poll would be established there, and the returning officer then would form an advance polling district of all the polling divisions adjacent to that village, or that have a community of interest with that village. So, the whole rural area will be divided into advance polling districts, but not necessarily in numerical sequence.

Mr. GODIN: Is that the 500 population?

Mr. CASTONGUAY: Yes, the population as per the census. If this formula were applied now there would be 1,634 advance polls throughout Canada.

Mr. CARON: Would there be a reservation for those sections where they have a very few villages of 500 or more? Would there be a provision for the electoral officer to establish an advance poll otherwise?

Mr. CASTONGUAY: There is provision under my plan. There must be that provision because there are at least two or three districts where, if this were applied rigidly, they would have no advance polls. You cannot design a formula that would apply to all electoral districts. It would apply generally to all. However, either the returning officer or myself, or both, must have the discretionary power to establish additional advance polls on recommendation from recognized political organizations or candidates.

Mr. BELL (*Carleton*): What would you anticipate the cost of rent and salaries to be under the two-day system?

Mr. CASTONGUAY: I make it \$115.

The VICE-CHAIRMAN: For the two days?

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): I am troubled about this aspect of it. In the next election, my constituency will have over 350 polls. That means there will be 10 of these. The net result is that the advance poll is going to cost over \$4,000 in my constituency. I think I can get by easily on \$1,000, and do just as effective a job. I would like to save \$3,000 for the treasury, if I can.

Mr. AIKEN: Conversely to what you mentioned about the authority to put advance polls in sparsely settled areas, would you also have authority to pass up a village of 500 which was very close to another one with the same population?

Mr. CASTONGUAY: No, we would not have that authority. My practical experience in establishing ordinary polling stations is such that if one village has it the next one wants it as well. I believe we have to be realistic. Villages are rather zealous of their rights. If "X" village wants one, "Y" village wants one. If you give me the discretionary authority to establish them, how can I resist representations of that type?

The VICE-CHAIRMAN: Is there any more discussion on this question? I would just note that this is just a draft which Mr. Castonguay has submitted for our consideration. The title reads "amendments to the Canada Election Act respecting advance polls". I do not think we should put it on record as such. I think we should change the heading, and add it as an appendix to this morning's minutes. In this way, other members can consider it, whenever they have time. Do you not think so, gentlemen?

Mr. AIKEN: Mr. Chairman, could we amend that to read "proposals of the chief electoral officer, re. amendments"?

The VICE-CHAIRMAN: Perhaps "draft proposals of the chief electoral officer" would be better. Is it agreeable that we have these printed in the minutes?

Motion agreed to.



The VICE-CHAIRMAN: Gentlemen, it is getting close to closing time. As we are getting close to Easter, I would like the opinion of members of the committee as to whether we should meet again next week. I was wondering if we should adjourn until after Easter, or if we should have the next meeting on Tuesday.

Mr. AIKEN: Having heard these proposals, I think it would be an excellent idea to wait until after Easter. I think it would provide a good opportunity for everyone to consider these proposals and, at that time, we would have some constructive ideas in connection with them.

The VICE-CHAIRMAN: Then, we will adjourn until after Easter. Is that agreed?

Agreed.

The VICE-CHAIRMAN: May I wish you all a happy Easter.

## APPENDIX "A"

## DRAFT PROPOSALS OF AMENDMENTS TO THE CANADA ELECTIONS ACT RESPECTING ADVANCED POLLS

- Repeal. 1. (1) Subsection (4) of section 2 of the Canada Elections Act is repealed.
- (2) Subsection (12) of section 2 of the said Act is repealed.
- (3) Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:
- "(27) 'polling day', 'day of polling' or 'ordinary polling day' means the day provided by section 21 for holding the poll at an election;"
- "Polling day", "day of polling" or "ordinary polling day."
2. Rules (40) and (41) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:
- "Rule (40). The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and *three* copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.
- Rule (41). Upon the completion of the foregoing requirements, and not later than *Wednesday*, the *twelfth* day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the *three* copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits, in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."
3. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:
- "(3) The day for the close of nominations (in this Act referred to as nomination day)
- (a) in the electoral districts specified in Schedule Four is the Monday that occurs twenty-eight days before polling day; and
- (b) in all electoral districts other than the ones referred to in paragraph (a) is the Monday that occurs *twenty-one* days before polling day."
- Nomination day.

4. Sections 94 to 98 of the said Act are repealed and the following substituted therefor:

- |   |  |
|---|--|
| <p>"94. (1) The returning officer shall,</p> <p>(a) in urban areas, establish an advance polling district in each revisal district; and</p> <p>(b) in rural areas, group together the rural polling divisions into advance polling districts, each to contain such number of rural polling divisions as may be necessary to ensure that every rural polling division is included in an advance polling district.</p>  | <p>Establishment of advance polling districts.</p> |
| <p>(2) In urban areas, an advance polling station shall be established in each advance polling district, and in rural areas, an advance polling station shall be established in every city, town or village having a population of one thousand or more.</p>  | <p>Establishment of advance polling stations.</p>  |
| <p>(3) Any request for the establishment of advance polling stations in places not specifically provided for in subsection (2) shall be made to the returning officer not later than ten days after a writ has been issued for an election and he may, with the prior permission of the Chief Electoral Officer, make provision for the establishment of advance polling stations at such places.</p>   | <p>Request for advance polling station.</p>        |
| <p>(4) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act.</p>   | <p>Advance polls conducted as ordinary polls.</p>  |
| <p>(5) Advance polls shall be open between the hours of two and ten o'clock in the afternoons and evenings of Friday and Saturday, the tenth and ninth days preceding the ordinary polling day, and shall not be open at any other time.</p>  | <p>When advance polls to be open.</p>              |
| <p>(6) The returning officer shall, after nomination day and not later than Wednesday, the nineteenth day before the ordinary polling day,</p>  | <p>Notice in Form No. 65.</p>                      |
| <p>(a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out</p> <p style="padding-left: 20px;">(i) the numbers of the polling divisions comprised in every advance polling district established by him,</p> <p style="padding-left: 20px;">(ii) the location of each advance polling station,</p> <p style="padding-left: 20px;">(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at such polling station, and</p> <p style="padding-left: 20px;">(iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the evening of the ordinary polling day;</p> <p>(b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and</p> <p>(c) notify each postmaster in writing of the provisions of subsection (7) when he sends the notice.</p> |  |
| <p>(7) Upon receiving a notice described in subsection (6), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has</p>   | <p>To be posted up.</p>                            |



Postmaster  
election  
officer.

passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such.

Who may  
vote at  
advance  
polls.

95. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who has reason to believe that he will be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such district.

Duties of  
deputy  
returning  
officer  
respecting  
affidavits for  
voting at an  
advance  
poll.

96. (1) The deputy returning officer, upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district, shall

- (a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying,
- (b) allow such person to take and subscribe to such affidavit before him,
- (c) complete the attestation clause on such affidavit,
- (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and
- (e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of every such affidavit in the order in which it was taken and subscribed to.

Person who  
takes  
affidavit  
allowed  
to vote.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

Exception.

No poll book  
kept, but  
notations to  
be made on  
affidavit.

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk at the advance poll shall, under the direction of the deputy returning officer, preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station.

Record of  
Completed  
Affidavits  
for Voting  
at an  
Advance  
Poll.

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in Form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit.

Elector  
subscribing  
to affidavit  
not to vote  
on ordinary  
polling day.

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

97. (1) At the opening of an advance poll at two o'clock in the afternoon of the first day of voting, the deputy returning officer

shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

Examining  
and sealing  
of ballot  
box.

- (a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein,
- (b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and
- (c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting.

(2) At the re-opening of the advance poll at two o'clock in the afternoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

Re-opening  
of advance  
poll.

- (a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,
- (b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and
- (c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

(3) At the close of the advance poll at ten o'clock in the evening of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

Proceedings  
at close of  
advance poll  
each day of  
voting.

- (a) unseal and open the ballot box;
- (b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers;
- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and
- (d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits

(4) The deputy returning officer and the poll clerk shall, and such of the candidates, their agents or the electors representing the candidates as are present may, affix their signatures on the gummed paper seals affixed to the special envelopes previously referred to in this section before such envelopes are placed in the ballot box, whereupon the deputy returning officer shall lock and seal the ballot box, as prescribed in subsection (1).

Affixing of  
signatures  
and special  
metal seals.

(5) In the intervals between voting hours at the advance poll and until nine o'clock in the evening of the ordinary polling day,

Custody of  
ballot box.



the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates, their agents or the electors representing the candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day.

Collecting of  
Record of  
Completed  
Affidavits  
for Voting  
at an  
Advance  
Poll.

(6) As soon as possible after the close of advance polls at ten o'clock in the evening of Saturday, the ninth day before the ordinary polling day, the returning officer shall have collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district.

Count of  
votes on  
ordinary the  
polling day.

(7) The deputy returning officer shall, at nine o'clock in the evening of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer.

Provisions  
applicable  
to advance  
polls.

(8) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Striking  
from lists  
of electors  
names of  
persons who  
have voted  
at advance  
polls.

98. (1) As soon as the returning officer has collected the Records of Completed affidavits for Voting at an Advance Poll pursuant to subsection (6) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records.

Where lists  
of electors  
have been  
distributed  
to ordinary  
polling  
stations.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions.

Name  
inadvert-  
ently struck  
off.

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made.



(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (6) of section 97 to each candidate officially nominated in his electoral district.

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates. Offences and penalties respecting advance polls.

98A. Every person who, corruptly,

- (a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66, as to the cause or necessity of his voting at an advance poll;
- (b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or
- (c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

5. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefore:

"101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the two days immediately preceding it in favour or on behalf of any political party or any candidate at an election."

Political broadcasts forbidden.

6. Forms Nos. 65 and 66 of Schedule One to the said Act are repealed and the following substituted therefor:

#### FORM No. 65.

#### NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (5).)

Electoral District of .....

Take notice that, pursuant to the provisions of section 94 to 97, inclusive, of the Canada Elections Act, an advance poll will be opened in the undermentioned advance polling district(s).

FOR ADVANCE POLLING DISTRICT NO. 1, comprising polling divisions Nos. .... of the above mentioned electoral district, the advance polling station will be located at (Specify in capital letters the exact location of the advance polling station), and the votes cast at such polling station will be counted on Monday, the ordinary polling day, at nine o'clock in the evening, at (Specify in capital letters the exact location where the count will be held). (Proceed as above in respect of any other advance polling district.)

And further take notice that the said advance polling station(s) will be open between the hours of two and ten o'clock in the after-noon and evenings of Friday and Saturday, the tenth and ninth days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district.

And further take notice that any elector whose name appears on the list of electors prepared for a polling division comprised in such advance polling district who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears, if before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, of the Canada Elections Act, before the deputy returning officer of the said advance polling district.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election is located at

Town  
..... in the City of .....  
Village

Dated at ....., this .....  
day of ....., 19 .....

(Print name of returning officer)  
Returning Officer.

FORM No. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL. (Sec. 95)

Consecutive number of affidavit.....

Electoral District of .....

Advance Polling District No. ....

I, the undersigned, ....., whose occupation is ..... and whose address is ....., do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. .... comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above mentioned polling division.

SWORN (or affirmed) before me	}	
at .....		
this .....		
day of ....., 19....		
.....		
Deputy returning officer.		(Signature of deponent)



PARTICULARS TO BE RECORDED BY POLL CLERK IN THE  
ADVANCE POLLING STATION

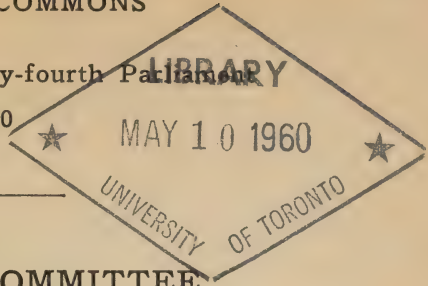
Consecutive number of elector on list of electors.	Form number of oral oath or affidavit, if any, the elector is required to swear.	Record that oath sworn or refused.  (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to affirm" or "Refused to answer")	Record that elector has voted.  When ballot paper put into ballot box, insert "Voted"	REMARKS.

Repeal. 7. Schedule Two to the said Act is repealed.

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

TUESDAY, APRIL 26, 1960

Respecting  
CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

TUESDAY, April 26, 1960.  
(6)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Godin, Hodgson, Howard, Kucherepa, Macquarrie, Pickersgill, Richard (*Ottawa East*) and Webster.—11.

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer of Canada.

The Committee resumed its consideration of the Canada Elections Act, particularly with respect to *advance polls*.

Mr. Castonguay tabled communications from Mr. Moe Rosenhek, Quebec City, respecting *advance polls*.

The witness read extracts from the Report of a Royal Commission, appointed by the Province of Nova Scotia, for the purpose of studying among other matters, the problem of *advance polls*.

The above mentioned report was tabled and included in the records of the Committee; (*Identified as Exhibit "B"*).

The Committee considered the draft proposals, respecting *advance polls*, submitted by the witness at the last meeting, as they appear in *Appendix "A" to the Committee's Proceedings, No. 3*. The said proposals were amended and adopted, subject to rewording.

*Agreed*,—That the amendments to the Canada Elections Act, suggested by the Chief Electoral Officer, together with the question of *proxy voting*, be considered by the Committee on April 29th.

A submission by the Canadian Association of Broadcasters, respecting *political broadcasting*, was tabled by the Chairman and copies were distributed to Committee members.

At 11.05 a.m. the Committee adjourned until 9.30 a.m., Thursday, April 28, 1960.

E. W. Innes,  
*Clerk of the Committee.*



## EVIDENCE

TUESDAY, April 26, 1960.

The CHAIRMAN: Gentlemen, we now have a quorum. The meeting is called to order.

The chief witness, again, is our friend Mr. Castonguay, the Chief Electoral Officer. We are happy to have him with us, and also his deputy, Colonel Anglin.

I will ask Mr. Castonguay to say a further few words about the subject of the committee's deliberations at its last meeting before the Easter adjournment. Mr. Castonguay.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): Mr. Chairman, since the last meeting I have received one representation from Mr. Rosenhek of Quebec City re the advance polls. This has to do with the extension of the privileges of advance polls. Also I have received from the royal commission on provincial elections in Nova Scotia, the interim report they made to the legislature. They made three specific recommendations, one involving advance polls. They made a rather extensive study of this, and have condensed it. While it does not form the subject matter of the whole report, I thought maybe it would assist the committee, if they would let me read the relevant paragraphs, because their legislation is similar to ours as far as the restriction of voting at the advance poll is concerned. They have recommended the privilege be extended to anyone. I would like to read this to you, so you can get some assistance from the report, if it is the wish of the committee.

The CHAIRMAN: Mr. Castonguay, I am sure the committee will be delighted to hear some words of wisdom, from the east, the province of Nova Scotia.

Mr. WEBSTER: Mr. Chairman, all the wise men came from the east.

Mr. CASTONGUAY: Part I of the report deals with the history and background of advance polls.

Legislation permitting the creation of polls in advance of polling day was first enacted by the Nova Scotia legislature in 1928. The legislation has remained the same since it was passed. The relevant section in the Elections Act is 38. It provides:

If I may, I would like to dispense with reading the seven or eight pages on their legislation, and read you their qualifications for electors at advance polls.

The governor in council may from time to time make an order declaring that every railway employee, person employed in the transportation of passengers or goods, fisherman, seaman, commercial traveller and every sailor, soldier, airman, nurse or other person on active service in the armed forces of Her Majesty, being a voter whose name is registered on the list of voters of such polling district or districts as the governor in council specifies and whose employment or calling is such as to necessitate from time to time his absence from his ordinary place of residence and who has reason to believe that because of necessary absence from such place of residence in the pursuit of his employment or calling he will be unable to vote on polling day, may vote in advance of polling day as in this subsection provided. . . .



The report continues:

The reasons for these provisions are clear. It was felt that certain Nova Scotians, because of their employment were required to be absent from their polling places on election day and they should not thereby lose the opportunity to vote. To give certain groups of voters the right to vote on a day and a time in advance of the regular polling day may seem to some to be an over-extension of the voting privilege and to detract from a long accepted theory that the right to vote should be so cherished that citizens should be prepared to travel long distances and suffer loss of work and other economic disadvantages for the sake of responsible and representative government.

That view has merit. However, a sensible compromise was evolved and certain groups of persons were given advance polling privileges. These were the persons that most people would recognize as being absent for clearly legitimate reasons beyond their control. Unless the whole province is to stop functioning on polling day transportation facilities must be carried on, fishermen must tend their nets, commerce must continue and members of the armed forces must maintain our defences. So therefore it was well within the ambits of the "common good" that these employments be considered exceptional cases. Indeed, it was democratic to do so.

The next paragraph has to do with other jurisdiction:

Advance poll legislation exists in the federal jurisdiction and in every province except Prince Edward Island. The class of persons permitted to vote is similar to ours in Newfoundland, New Brunswick and under the Canada Elections Act. The provinces of Ontario, Manitoba, Saskatchewan, Alberta and British Columbia permit all voters who have reason to believe they will be absent from their places of residence on election day to vote on the earlier polling days. In Alberta, invalids are also permitted to vote at the advance poll, if they wish. In addition to those eligible to vote at the advance poll in Nova Scotia, the province of Quebec permits post office or express company employees, navigators, missionary priests, and all other employees whose ordinary employment obliges them to be absent from their polling districts on election day to vote at the advance poll.

The next paragraph deals with studies and recommendations.

We have spent a considerable time studying our existing legislation and we have decided to recommend that our act be amended to permit any voter who believes he must be absent from his ordinary polling place to vote at the advance poll. We have not come to this conclusion simply because other provinces so provide. We believe the same reasons which motivated the legislation in the beginning have become all the more pressing in a somewhat changing pattern of life.

The demands of business, employment, industry and personal responsibility bear heavily upon us all. It is in the interest of society as a whole that if at all possible the construction of a new public work, or the cutting of timber, or the annual vacation continue without serious interruption and at the same time an orderly and efficient poll of all Nova Scotians be conducted. One of the prime concerns in a democratic election is to secure the expressions of the largest number of voting citizens possible. We were told many persons will not or cannot take time from their employment to travel substantial distances to vote on the ordinary polling day.

We are all aware of the ever increasing number of workers who commute to and from their employment daily. A substantial portion of these citizens must leave their homes on polling day before the poll

is opened. Many are unable to return until the poll is closed. We believe the most satisfactory way to assist them is to provide Friday and Saturday afternoon and evening polling hours in advance of the ordinary polling day.

Many returning officers told us they are "plagued" on the advance polling days by persons other than those now eligible who desire to vote for reasons which will prevent them from voting on election day. These people are presently ruled ineligible. It is doubtful if but a small percentage of that number eventually vote in the election.

Under the existing legislation the advance polls are open on the Friday and Saturday of the week preceding polling day. We believe this should be continued to meet the conveniences of the greatest number of voters—not only those who return home each evening but also those whose employment only permits them to be at home at the end of the week.

At present the advance polls are open from two to five o'clock in the afternoon and from seven to ten o'clock in the evening. We recommend this be amended and in future the advance polls be open from two o'clock in the afternoon until ten o'clock in the evening. There are several reasons for this recommendation: (a) the hours between five and seven o'clock in the evening are times when it is most convenient for many voters to cast ballots and particularly at the advance poll when some voters must travel considerable distances from the various polling districts in the advance poll district; (b) it is not a good policy to have ballot boxes "circulating" during the "break-period" as provided by the existing legislation. The important problems of sealing and care of the ballot boxes would be eliminated if the polls are kept open; (c) the Canada Elections Act requires the advance polls to be open the hours we recommend. Not only is uniformity in the elections legislation desirable but our investigations indicate the federal provisions function satisfactorily.

The next paragraph deals with briefs and submissions. They received briefs from the Cooperative Commonwealth Federation, Nova Scotia, the Nova Scotia Liberal association, the Nova Scotia Progressive Conservative association and the Halifax board of trade.

If you will dispense with my reading from them, I will read you the resumé.

The attitude indicated by these briefs was similarly reflected by the considerable number of Nova Scotians we have interviewed and talked with concerning this matter. No one felt the advance poll should be abolished; practically all favoured an extension and nearly all to the limits we respectfully propose.

The next paragraph is, conflict with federal legislation.

To extend this legislation to the limits we suggest will create a conflict with the Canada Elections Act in federal elections. We believe there should be uniform elections legislation among the federal, provincial and municipal levels of government, in so far as that is possible. In this instance we feel a departure is necessary. We believe our recommendation is a reasonable and proper amendment. Otherwise we can only express the hope that the federal parliament at some time may see fit to follow the lead of Nova Scotia and her sister provinces.

The next paragraph deals with facilities required.

#### *Facilities Required*

To extend the privilege will mean an extension of facilities. Extended facilities will be reflected in an increase in election expenses.

In the 1956 election there were thirty-five advance polls. Only five constituencies did not have an advance poll: Cape Breton centre, Cape Breton east, Inverness, Richmond and Victoria. All others had one poll per constituency. The total number of votes cast at all advance polls in this province in the general election of 1956 was 1,184. This was an average of 34 voters per poll.

The following table will give some indication of the extent to which the advance polls have been used by those eligible to attend them in recent elections

<i>Electoral District</i>	1949	1953	1956
Annapolis .....	5	16	
Annapolis east .....			9
Annapolis west .....			6
Antigonish .....	No poll	7	16
Cape Breton north .....	21	6	17
Cape Breton south .....	23	19	30
Cape Breton west .....	10	11	26
Cape Breton east .....	no poll	no poll	no poll
Cape Breton centre .....	no poll	no poll	no poll
Cape Breton Nova .....			3
Colchester .....	no poll	161	129
Cumberland east .....	24	44	59
Cumberland west .....	2	8	3
Cumberland centre .....	7	17	15
Digby .....	16	17	53
Clare .....	9	44	23
Guysborough .....	9	7	32
Halifax north .....	38	43	86
Halifax south .....	14	23	39
Halifax east .....	11	33	4
Halifax west .....	15	16	23
Halifax centre .....	11	26	22
Halifax northwest .....			23
Halifax County-Dartmouth .....			69
Hants east .....	3	8	13
Hants west .....	5	10	18
Inverness .....	no poll	no poll	no poll
Kings .....	24	46	
Kings north .....			45
Kings south .....			4
King west .....			8
Lunenburg .....	96	101	
Lunenburg east .....			20
Lunenburg west .....			47
Lunenburg centre .....			15
Pictou east .....	no poll	5	12
Pictou west .....	13	24	38
Pictou centre .....	53	81	85
Queens .....	44	10	28
Richmond .....	no poll	no poll	no poll
Shelburne .....	2	49	68
Victoria .....	no poll	no poll	no poll
Yarmouth .....	16	61	96
Total	471	893	1,184



*Ontario Experiences*

We have discussed the extension of facilities with election officials in Ontario. Formerly their legislation was substantially the same as ours is now. In 1951 (before they extended the right) Ontario had 349 advance polls at which 5,013 votes were cast for an average of 15 voters per poll. The next election in 1955 was the first to be held after the legislation was extended. The number of polls was increased to 407 and 9,444 votes were cast. The average per poll increased to 23. In 1959 the number of polls was reduced to 294 with 9,218 persons voting. This represents an average of 31 votes per poll. Statistics show the number of persons using the advance poll has only doubled and yet it has not been necessary to increase the number of polls.

*Number of Polls Required*

Under present circumstances in this province we do not believe there are any serious difficulties involved in extending the election machinery. We doubt whether any large scale extension is necessary. An advance poll must be established in each electoral district including the five which did not have one in the 1956 election. Whether more than one poll is required in each constituency must involve considerations of geography and the decisions of election officials in the light of local situations.

We do not propose to name the electoral districts wherein several advance polls should be established. However for purposes of illustration we believe returning officers might hold two advance polls in electoral districts like Guysborough, Cumberland west and Inverness. These are areas where the problems of distance and geography seem to justify more than one poll.

Wherever it is decided to establish more than one advance poll in an electoral district the returning officer should designate the polling districts to be serviced by each poll. He should publicize both the location of the polls and the polling districts within the jurisdiction of each. It is necessary to restrict and define the polling districts in an advance poll district to eliminate voters attempting to vote more than once.

We doubt if any poll will be overworked if these recommendations are enacted. Those who have been observing the operation of election machinery in Canada for many years told us the officials of a polling station can efficiently process 300 voters per day. It is unlikely the numbers at any advance poll in this province will closely approach 300 voters per day.

If we project the Ontario experience to the results of the advance polling in the last general election in Nova Scotia we have some interesting results for comparison. In the election immediately following the amendment of the Ontario Elections Act the total number of votes cast at the advance polls increased by approximately 88 per cent. Applying that percentage increase to the 1956 results in Nova Scotia will give these figures:

## STANDING COMMITTEE

Electoral District	1956	88 per cent increase
Annapolis east .....	9	17
Annapolis west .....	6	11
Antigonish .....	16	30
Cape Breton north .....	17	32
Cape Breton south .....	30	56
Cape Breton west .....	26	44
Cape Breton east .....	no poll	
Cape Breton centre .....	no poll	
Cape Breton Nova .....	3	5 to 6
Colchester .....	129	243
Cumberland east .....	59	111
Cumberland west .....	3	5 to 6
Cumberland centre .....	15	28
Digby .....	23	62
Clare .....	23	43
Guysborough .....	32	60
Halifax north .....	86	162
Halifax south .....	39	73
Halifax east .....	4	7 to 8
Halifax west .....	23	43
Halifax centre .....	22	41
Halifax northwest .....	23	43
Halifax County-Dartmouth ...	69	130
Hants east .....	13	24
Hants west .....	18	34
Inverness .....	no poll	
Kings north .....	45	85
Kings south .....	4	7 to 8
Kings west .....	8	15
Lunenburg east .....	20	38
Lunenburg west .....	47	88
Lunenburg centre .....	15	28
Pictou east .....	12	22
Pictou west .....	38	71
Pictou centre .....	85	160
Queens .....	28	53
Richmond .....	no poll	
Shelburne .....	68	128
Victoria .....	no poll	
Yarmouth .....	96	180
Total .....	1,154	2,225

Final decisions on the number of polls and their location must be left to election officials and to that end we have designed the proposed draft legislation. We do not recommend large numbers of polls for the electoral districts with their present boundaries. That would be an unnecessary duplication of election machinery and the cost factor would begin to warrant consideration. When voters realize the machinery is being tailored more to meet their conveniences surely they will be encouraged to make some effort to travel reasonable distances.

*Eligibility*

In the draft legislation we propose that persons to be eligible must expect to be absent on election day from the polling district in which they would normally vote and for that reason will be unable to vote on that day.

We do not believe that eligibility should be restricted to voters who will be absent from their electoral districts on polling day. Some of our electoral districts are large. Many voters are employed a substantial distance from their polling districts on election day but yet are within the same electoral district. These people should be just as eligible to vote at the advance poll as those who expect to be absent because they will be in another electoral district. Several of the western provinces already permit this. Other provinces are considering it. Also there are voters who may be required to enter a hospital within the electoral district and yet are well enough to vote at the advance poll before becoming hospitalized. They should not be refused the right to vote simply because they will be present in the electoral district on polling day.

We do not believe the adoption of these recommendations will create three polling days instead of one. The experience of Ontario and the other provinces with similar legislation in no way indicates this will happen. We doubt whether the political organizations in this province are prepared to convey large numbers of voters to the advance polls in the same manner as is done on the regular polling day. The purpose of these recommendations is clearly intended for convenience and not abuse.

*Procedure Proposed*

We propose some changes from the existing procedure used at advance polls as set forth in section 38:

- (a) The returning officer for each electoral district must give public notice of the holding of the advance poll in his electoral district no later than the Monday immediately preceding the advance poll. We propose the form of the notice should be changed from that set forth in section 38. We believe a form similar to the one set forth in our draft legislation is less cumbersome, more easily read and provides the pertinent information more succinctly.
- (b) The chief election officer should publish a general notice of the province-wide advance polling days in the daily and weekly newspapers in the province. We suggest such a notice appear once in each weekly newspaper and in the Thursday, Friday and Saturday issues of daily newspapers during the week of advance polling. Circumstances change quickly and some voters do not know they will be absent from their polling districts until shortly before election day. Such a plan provides effective publicity and an effective reminder.
- (c) The voter should go direct to the advance poll and not be required to first obtain a certificate from the returning officers.
- (d) The returning officer should supply the presiding officer of each advance poll with lists of voters for those districts within his jurisdiction.
- (e) The voter should be required to sign a declaration in duplicate, in a form similar to that proposed in our draft. This declaration will be signed after the presiding officer has first checked the appropriate list of voters to determine if the name of the voter appears thereon.



- (f) The presiding officer should retain the original declarations until the ballots are counted at which time they will be placed in the ballot box.
- (g) The ballot boxes should not be opened from the beginning of the advance polling until they are opened for the counting of the ballots after the close of polls on the ordinary polling day. The chief election officer should supply proper sealing materials in the form of metal seals or sealing wax. The Canada Elections Act regards the matter of the materials used for sealing so important that the following is incorporated in section 97 (1) of the Act:  
...the ballot box shall be locked and sealed with one of the special metal seals prescribed by the chief electoral officer...

The chief election officer should supply envelopes to the presiding officer of each advance poll in which he will place, after counting, the number of unused ballots. This should be done in the presence of the agents of candidates, if any, at the adjournment of the poll on Friday evening and the close of the poll on Saturday evening. The presiding officer and agents should initial these envelopes. We do not believe the ballot box should be opened on Friday evening to deposit the unused ballots and then opened again on Saturday to recover the unused ballots.

- (h) When the advance poll closes on Saturday night the presiding officer must deliver the duplicates of the declarations and a list of those who have voted to the returning officer. The duplicates are for delivery to the presiding officers in the appropriate polls and the list is for the returning officer's record in case information is needed before or during polling day. It is not necessary for him to provide a copy of this list to the candidates because they have a right to obtain any such information from their agents attending the poll.
- (i) Section 39 of the Elections Act provides agents of the candidates may be present. This provision must continue. In this way the candidates will receive adequate information respecting the names of the voters attending the advance poll. Apart from the variations noted herein the operation of the advance poll is no different from that of any other polling station on the ordinary polling day.

Sections 38 (2) (i) requires the returning officer to deliver the certificates signed by those voting at the advance poll to the presiding officers of the polling districts where those voters are on the voters' lists. This is a vital safeguard against the abuse and infraction of the legislation. It must be continued. In these recommendations the returning officer is expected to deliver the duplicate certificates to the appropriate presiding officers. Transmission through the regular mails is not adequate and cannot be accepted.

#### *Summary of Recommendations*

1. Any voter who expects to be absent from his polling district on the ordinary polling day and for that reason is unable to vote in his polling district should be eligible to vote at the advance poll.
2. At least one advance poll should be established in each electoral district.
3. The advance polls should be open from two o'clock in the afternoon until ten o'clock in the evening on the Friday and Saturday of the week preceding the ordinary polling day.
4. Voters should be able to go directly to the advance poll without having to obtain a certificate from the returning officer.
5. The ballot boxes used at advance polls should be sealed at the beginning of the poll and not opened until the counting of ballots after the close of the polls on the ordinary polling day.

There is only one comment I have to make. They did recommend the establishment of one advance poll per electoral district.

The members of the committee will realize that there are 43 provincial electoral districts in Nova Scotia, whereas we have 11. So this would average out to four per electoral district if my plan were considered, because they have 43 provincial electoral districts whereas we only have 11.

Mr. BELL (*Carleton*): What are the names of the provincial royal commissioners?

Mr. CASTONGUAY: There is his honour Judge R. H. Shaw, and a Mr. Arthur Meagher, Q.C. I cannot make out the name of the third commissioner because the stencil did not bring it out clearly. However I understand his name to be Mr. T. P. Slaven.

The royal commission sat at Ottawa for a couple of days when I appeared as a witness, but this was after they made this report, so I was not extensively questioned about advance polls as they had already made this report to the legislature.

Mr. WEBSTER: You said there were 43 advance polls with 43 provincial ridings, whereas we only have 11?

Mr. CASTONGUAY: They recommend that there be one advance poll per electoral district. But when we try to project this into the federal setup we must realize that we have 11 districts, and that with at least one per provincial electoral district it means an average of four for federal purposes.

Mr. HOWARD: In your reading of the summary did I understand that they felt it was not necessary for the voter to go to the returning officer before voting?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: And that he would get a certificate from the returning officer?

Mr. CASTONGUAY: An affidavit signed by the voter before the deputy returning officer in the poll where he is eligible to vote.

The CHAIRMAN: Before we continue with the questioning, I think there is a procedural matter. Are you able to table this document, Mr. Castonguay?

Mr. CASTONGUAY: It is my own copy, but I would be glad to table it.

The CHAIRMAN: I think it should be tabled and made a part of the committee's records.

(*Identified as Exhibit "B"*)

Mr. CASTONGUAY: The other recommendations they made had to do with ballot papers and their preparation of lists of electors.

Mr. BELL (*Carleton*): Was that legislation adopted at a recent session of the Nova Scotia legislature?

Mr. CASTONGUAY: I cannot say, but I was told by the commission that they hoped it would be adopted, and that this was just an interim report. They were still carrying out their studies.

The CHAIRMAN: Are there any further questions?

Mr. WEBSTER: Is this very much different from, or very much the same in context as the recent amendments in Ontario with respect to election procedure?

Mr. CASTONGUAY: It is basically the same.

Mr. KUCHEREPA: I wonder if Mr. Castonguay would comment on the item relevant to advance polling day? At the last meeting we discussed the possibility of having advanced polls on the Saturday previous and the Monday following,—that is, the Monday before elections. Has the witness given any further thought to this problem and has he any further comments to make at this time?



Mr. CASTONGUAY: I know the objectionable feature is the period of 21 days between nomination day and polling day, which I have in the draft plan I submitted to the committee for your consideration. I feel we can definitely do the work in 14 days preceding polling day, providing the advance polls are held on the Saturday and Monday, the week before the ordinary polling day; this is to give the returning officer sufficient time to have his ballot papers printed and distributed. It also gives the returning officer sufficient time to notify all the ordinary deputy returning officers in the ordinary polls with respect to the names of the people who voted at the advance polls. I believe this is an essential safeguard. But of course there may be some problems which will arise out of it.

If we had more time, naturally we would be able to take more precautions. But I think the returning officer should be able to notify the deputy returning officers of the names of the people who voted at the advance polls.

Mr. CARON: You think it is possible on Saturday, and Monday, but not on Friday?

Mr. CASTONGUAY: That is right, because nomination day is on Monday. That is a statutory requirement.

Returning officers in large cities can get their ballot papers printed in a couple of days. But I know many constituencies where the returning officer would have to travel a couple of hundred miles to get his ballot papers printed, and it might well be that it would take three or four days to get them printed. But I believe he would have sufficient time to have them printed in the number of days suggested.

Mr. BELL (*Carleton*): I am in favour of the committee's adopting this proposal, that we have Saturday the 9th and Monday the 7th day before election day. I think it would prove to be satisfactory, certainly as a first attempt to widen the advance poll.

Mr. KUCHEREPA: I second it.

Mr. PICKERSGILL: I apologize for being late, but has any consideration been given to the cutting down of the 28 days in this outline?

The CHAIRMAN: That is an aspect which will be discussed before too long.

Mr. PICKERSGILL: It has some relevance to this matter, of course.

Mr. CASTONGUAY: There is in this schedule a list of 21 electoral districts where they have 28 days; there are some that definitely do need 28 days. But when this was recommended, I think the committee thought that three periods of nomination were not desirable, 28, 21, and 14.

Mr. PICKERSGILL: Is it your opinion that it would require 28 days in Trinity-Conception and Bonavista-Twillingate?

Mr. CASTONGUAY: No, not in those constituencies. I think that out of 21 there are only six which require 28 days. But we must look at it from various aspects; we must look at it from various periods of time when an election might be held. It might be very necessary if the election were held in March, when you would run into ice conditions, and when that 28 days would be a very handy cushion.

But under ideal climatical conditions you could eliminate all but four of the 21 that are there.

Mr. PICKERSGILL: I hasten to add that I have no desire to have the 28 days reduced, myself.

Mr. AIKEN: What are the practical reasons for having nomination day so close to election day? That is a general principle, but it always seems to



me that it leaves everything to the last minute. Everything has to be rushed at the last minute just for polling day. Is there any reason why, as a general procedure, nomination day could not be held earlier?

Mr. HOWARD: Some of us might find difficulty in getting candidates.

Mr. PICKERSGILL: I would be in favour of 21 days for the whole country.

Mr. CASTONGUAY: My predecessor and I have always liked a longer period between nomination day and polling day in order to give election officials time to have their ballots printed and to select deputy returning officers, and to do this particular work more satisfactorily in so far as the mechanics of a general election are concerned. But I am afraid I cannot speak for the other side of the picture. I think there has been serious objection raised in the house.

Mr. BELL (*Carleton*): Party organizations have always resisted it.

Mr. CASTONGUAY: That is right.

Mr. PICKERSGILL: And I think wrongly so, myself.

The CHAIRMAN: Are there any further questions?

Mr. BELL (*Carleton*): What is the procedure that we are to adopt?

The CHAIRMAN: If there is nothing further arising out of the Nova Scotia report, I think it would be good procedure for us to turn to appendix A, of Proceedings No. 3. And if any member is without a copy, the Clerk of the Committee is prepared to provide him with one.

Mr. CASTONGUAY: The first amendment suggested in my draft proposal repeals subsection (4) of subsection 2, which is the definition of commercial traveller. Since there is no restriction now we do not need a definition of commercial traveller.

Then, in the draft proposal subsection (12) of section 2 is repealed. This is a definition of fishermen, which is no longer required if this plan should be adopted.

Mr. KUCHEREPA: Mr. Chairman, we are experiencing some difficulty in hearing at this end of the room.

Mr. CASTONGUAY: The first amendment concerns subsection (4) of section 2 of the Canada Elections Act; and it is repealed. That concerns the definition of a commercial traveller, and it is not required.

The second concerns the definition of a fisherman, which is no longer required.

The third amendment, subsection 27 of section 2 of the said act, is repealed, and the following substituted therefor—and the only change is to add the words “ordinary polling day” throughout the draft in order to avoid the confusion to which we referred between ordinary polling day and polling day at the advance poll.

The next concerns rules 40 and 41.

Gentlemen, I must point out, before I start, that these amendments have been studied by the Department of Justice and, in their present form, are acceptable to Justice in so far as the form is concerned—not in so far as principle, as it is not for them to decide this.

Mr. HOWARD: Mr. Chairman, it was my understanding that in going through these we would agree or disagree with them one at a time. Have we reached the end of one?

Mr. CASTONGUAY: We are just commencing with No. 2.

Mr. HOWARD: I would like to make a comment here, and pose a question to Mr. Castonguay who, undoubtedly, has had some discussions about this. It could have an effect upon whether we eliminate the definitions of these particular people here.

Has any thought been given to establishing something similar to that which exists under the Ontario provincial act, which allows certain people to cast their ballot by proxy? This exists under the Ontario act in respect to mariners, who are away on trips, or something of that nature, on voting day. By giving authority to a relative, a wife, or someone of that nature, they are able to vote for them on election day.

Now, this could have some merit—certainly in the shipping industry, for instance, on the coast of British Columbia, where travelling up coast from Vancouver necessitates a good six-day trip in order to go out and come back again. Consequently, this means that these people could miss the advance polling day because, depending on the ship schedule, they could be away over the week-end; and the next trip out, they would be away on ordinary polling day.

A similar arrangement would apply to fishermen who, during the fishing season, depending on what areas are opening up, may be 1,000 miles away from their homes, and they would remain out there during the fishing season. In this case a proxy might be deemed advisable, and be similar to what I understand exists in Ontario. It would be beneficial to the select few people who will be absent and unable to vote on advance polling day, whether it be a week before, as suggested here, or an ordinary polling day. I was wondering if we could not establish some system such as that. If we classified fishermen in that class, a revision of that definition would be needed.

I would like to hear some comments from Mr. Castonguay on this matter, as well as those of other members of the committee as to how this functions in Ontario, and the thoughts concerning the institution of it here.

MR. CASTONGUAY: Well, Mr. Howard, Ontario has special legislation and a specific procedure for proxy voting which is not tied up with their advance poll. That permits a person to whom a proxy has been exercised to vote on ordinary polling day, where that person is normally eligible to vote. I do not think we could consider it in conjunction with these two. These are two separate matters. It would be necessary for the committee to study the method of voting by proxy as a separate matter. It is not tied in with advance polls.

MR. HOWARD: I appreciate that, Mr. Castonguay. If it is instituted it should be on ordinary polling day, but I only related it to the definition, and I think fishermen are one of those classes of people who might benefit through a proxy voting system. The reason I raised it at this time is in case you agreed to eliminate the definition of fishermen. My remarks were not directed in connection with advance polling but only in connection with the definition of the class of people who we might think should have the benefits of a proxy voting system.

MR. CASTONGUAY: If the committee wished, they would have to study the proxy voting system the same as they have the others. This is another method of voting.

MR. HOWARD: Perhaps a better thing would be to give advance notice of something I would like to have the committee consider in this regard; and we might, as much as it is a system of voting, consider it in the same way as we have dealt with the others. After we have made our decisions on the others we could deal with this matter of proxy voting as a subject in itself. If I could be given an indication of that, I would be forewarned.

THE CHAIRMAN: Yes, Mr. Howard; we will do that.

Are there any other comments or questions in connection with section 1? If not, would you please proceed, Mr. Castonguay.

MR. CASTONGUAY: No. 2 concerns rule 40. The only change there is the "3". Previously, two copies of the statement of changes and additions were to be prepared for the returning officer; now, this draft calls for the name of an



elector voting at an advance poll being on the printed list or the revised list, so now we want an extra copy of the statement of changes and additions given to the deputy returning officer so that he will have the complete list. The statement of changes and additions only means asking the revising officer to prepare one additional copy to be given to the D.R.O. of the advance polling district.

In connection with rule 41, we would have to change these days.

Mr. GODIN: In connection with this matter of the lists, what about the vouching at the advance poll and the rural?

Mr. CASTONGUAY: There would be no vouching at the advance poll. The name must be on the list.

In connection with rule 41, the copies of these statements were required on a Thursday; now we want them Wednesday in order that the returning officer will have time to give them to the D.R.O. of the advance polling districts.

In connection with section 3, we would have to take that 21 out of 3. It is no longer required; we would have to knock it out.

The CHAIRMAN: Has anyone a question in connection with section 2? If not, we will proceed.

Mr. CASTONGUAY: In connection with subsection 3, as the committee is not prepared to recommend an extension to 21 days, we just knock this one out—if that is the wish of the committee.

Section 94 provides the mechanics for taking the vote, and it provides that polling divisions in urban areas will be grouped into advance polling districts; and in rural areas the returning officer will set up an advance poll district in the same way as the urban, in order to tie it up with the formula I have in 2 of section 94. This formula was questioned at the last committee meeting because perhaps it provided for maybe too many polls. I might point out that if I applied this formula here to Nova Scotia, it would give Nova Scotia 48 advance polls, and they are now recommending a minimum of 43. Now, I thought that if the committee still feels that there are too many, there is a way of reducing them; I have an amendment here, which I wish to submit to the committee, if they feel it is essential. It reads this way:

When a request is made to the returning officer not later than ten days after a writ has been issued for an election he may, with the prior permission of the chief electoral officer, combine any two advance polling districts in his electoral district.

So, if in a completely urban area there were 10 advance poll districts we could combine, on request, the 10 into 5, so there would be 5 advance poll districts. However, I would still like you to support me in my feeling that we should provide a definite formula to the returning officer for the establishment of an advance poll district.

Mr. PICKERSGILL: I would like to make an observation in that connection. I think the suggestion of the chief electoral officer is a good one. I was one of those who felt that the provision was a little more elaborate than it needed to be, but I agree with the view that it is written up haphazardly, and that there should be some formula. I further believe that any change in the formula should not be made by the returning officer, without the prior consent of the chief electoral officer. I say that, because it occurs in some constituencies that we have returning officers who have had no previous experience in elections. It is very important that this thing should work well. I would like to see the suggested amendment by Mr. Castonguay put in. It seems to me that it meets the problem that I raised, and I think it is similar to the one which Mr. Bell raised.

Mr. BELL (Carleton): I agree with Mr. Pickersgill's comments in that connection, and suggest the amendment be added.



Mr. CASTONGUAY: In preparing this, I felt that the decision should rest in the constituency itself. The formula would apply but they, on representation, could change that. So, this would be incorporated as 94(2)(a).

There is another problem which came up with this particular matter. We have the situation where you will have just part of a town in a rural area. That town may only have 10 polling divisions and, with the recommended legislation, that would consist of an advance polling district, and you could not add anything to it. I thought the returning officer should have permission to merge some of the rural area that is adjacent to this town in order to increase the size of that advance polling district and, at the same time, reduce the cost of expenditures. I will read the amendment. This is what it hopes to achieve:

When there is a small number of urban polling divisions in an advance polling district, the returning officer may, with the prior permission, and shall, upon the direction of the chief electoral officer, include in such advance polling district any rural polling divisions which it is considered desirable to so include.

Some Hon. MEMBERS: Agreed.

Mr. CASTONGUAY: That provision will reduce the number of advance polling districts.

Some Hon. MEMBERS: Agreed.

Mr. PICKERSGILL: I object to the split infinitive, but otherwise it is all right. Also, since we are being pedantic, I have more than a faint objection to the use of the word "officered" as a verb in subsection 4. I suggest that we change that to "staffed", or some other expression.

Mr. BELL (*Carleton*): Even "staffed" is not a very good word.

Mr. PICKERSGILL: No.

The CHAIRMAN: I understand then that while it is acceptable on legal grounds there are some objections on linguistic grounds!

Mr. CASTONGUAY: I could draw it to the attention of the Department of Justice. It must go to them and then come back to you with it in to include it in your final report. If you wish, I can draw that to their attention.

The CHAIRMAN: Now, that involves an insertion of 2(a).

Mr. CASTONGUAY: And 2(b). Then, you are into 3.

The CHAIRMAN: Now, we have disposed of 2, and 2(a) and 2(b), which will be subsequently incorporated. Subsection 3 is next.

Mr. CASTONGUAY: I have no comment. Perhaps I should say that this section is to take care of some districts where this formula will not apply—where there are no towns or urban areas, and the returning officer, on request, could add whatever polls are necessary. I think there are two electoral districts where this formula will not apply.

The CHAIRMAN: Are there any further questions? If not, subsection 4 is next.

Have you any comment, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Does any member wish to ask a question?

Mr. BELL (*Carleton*): No, not apart from "no comment" already made.

Mr. CASTONGUAY: In connection with No. 5, we have to change the dates to Saturday, the ninth and Monday, the seventh days.

Mr. BELL (*Carleton*): If Monday, the seventh day is used, would the hours 2 to 10 be the most appropriate hours on that day? Would it not be desirable, in view of the travelling public, to have the polls open earlier on the Monday?

Mr. CASTONGUAY: We have now three days and, if we change the advance polls to a Saturday, thereby reducing it to two days, we perhaps should look at it in that light.

Mr. BELL (*Carleton*): The hours are 2 to 10 o'clock. Although 2 and 10 o'clock on Saturday are satisfactory, I am a little concerned as to whether they are satisfactory for the Monday. The travelling public leave early Monday morning, and I was wondering whether the polls ought not to be opened for them.

Mr. CARON: Well, make Monday 8 to 10.

Mr. CASTONGUAY: Make it the whole day?

Mr. BELL (*Carleton*): I would like to see it 8 a.m. to 10 p.m.

Mr. PICKERSGILL: I wonder if it would not be more pertinent to have a longer day on Saturday. In this way a great many people who were going away for the week-end might go to the advance poll. They might go before they went and not wait until 2 o'clock in the afternoon.

Mr. HOWARD: I believe uniformity is necessary in this.

Mr. HODGSON: Make it 8 to 10 on both days.

Mr. WEBSTER: I would think that from noon on Saturday and Monday would be satisfactory.

Mr. HOWARD: What is it now, 8 to 10?

Mr. CASTONGUAY: On ordinary polling days it is 8 to 6, and now it is 2 to 10.

Mr. HOWARD: In the present advance polling system?

Mr. CASTONGUAY: Yes.

Mr. HODGSON: Well, we could make it until 6 on the ordinary polling day.

Mr. CASTONGUAY: I think 10 o'clock is too late; you could reduce that to 8 o'clock, and add more time on in the morning.

Mr. CARON: 8 to 8.

Mr. CASTONGUAY: I have received complaints in connection with 10 o'clock at night. The vote is very light from 8 to 10.

Mr. AIKEN: I think the present provision is there to help people who are going to be working until 6 or 7 o'clock. However, if we put the advance poll on a Saturday, I think that will cover most people who would be working week days. If we had it until 8 o'clock in the evening I think we would have everybody.

The CHAIRMAN: I take it that the hours 8 to 8 seem to be the more favoured ones.

Some Hon. MEMBERS: Agreed.

The CHAIRMAN: We will so amend that.

Now, gentleman, if there is nothing further than that, we could move to subsection 6. Are there any comments?

Mr. CASTONGUAY: I have no comment to make on this—unless there is a question.

The CHAIRMAN: Are there any questions?

Mr. HOWARD: No. 6 is rather a lengthy one.

Mr. CASTONGUAY: The mechanical part, other than the taking of the vote and the qualifications are similar to what we have now.

The CHAIRMAN: Have you a comment, Mr. Howard?

Mr. HOWARD: No; my remarks concern one of the subsequent ones.

Mr. CASTONGUAY: In connection with No. 6, I have one comment. That nineteenth was designed when I was hoping that I would get 21 days. We

have to bring that down to the twelfth day now. In view of that, the word "nineteenth" should be changed to "twelfth", because it was geared to 21 days.

The CHAIRMAN: For "nineteenth" read "twelfth".

Mr. CASTONGUAY: That change is brought about because I am not getting my 21 days.

Mr. AIKEN: Has that been settled? Are we agreed upon that, Mr. Chairman?

The CHAIRMAN: Is there anything further?

Mr. WEBSTER: In connection with subparagraph (iv) of No. 6, it says that the counting referred to in subparagraph (iii) shall take place at 9 o'clock in the evening of the ordinary polling day. What is the meaning of that?

Mr. CASTONGUAY: On many occasions the people who act as D.R.O.'s at advance polls are also acting at ordinary polls. They finish the count at the ordinary poll and then time has to be given in order that they may make the count at the advance poll. They have to complete their count at the ordinary poll and then do their count at the advance poll.

Mr. WEBSTER: If the voting is light—and sometimes it is; for instance, in the last election we knew our results by 7.30—do we have to wait around until 9 o'clock to open up the advance polls? Can you not count them after?

Mr. CASTONGUAY: You could if you have not the same set of officers. However, you may have the same set at the advance poll. On ordinary polling day they are also acting as polling officers, and they cannot run two counts at once. They must complete the one at the ordinary poll and go on to the other.

Mr. HOWARD: Could you not say "following"?

Mr. WEBSTER: You suggest an arbitrary hour of 9 o'clock. He might wait one-and-a-half hours, until 9 o'clock, to start counting.

Mr. CASTONGUAY: It is our experience that the agents may phone the count in in half an hour, but the D.R.O. has a great deal of paper work to do after the count. His duty is to finish the paper work, seal all his papers, and put them in the box. In some polls they do not finish that fast; there may be objections to some of the ballots that are there. A D.R.O. at an ordinary poll does not complete his paper work, and his own work, in less than an hour. He will have his count for you, and he will phone it in in half an hour; but he has to complete his paper work and get everything tidied up before he can go to another place to hold his count for an advance poll.

Mr. CARON: But the way it is now, if there is a lot of discussion, and if they are not ready at 9 o'clock, it will go later anyway.

Mr. CASTONGUAY: Yes.

Mr. CARON: But If they are not ready at 9 o'clock they will go later anyway.

Mr. CASTONGUAY: Yes.

Mr. CARON: But if there was no time limit or anything it has to be at 9.

Mr. CASTONGUAY: Yes.

Mr. CARON: So if it was after the regular polling division—

Mr. CASTONGUAY: If you put in the word "after" that would mean all the agents of the advance poll would be there at 6 o'clock waiting for the people to show up.

Mr. BELL (Carleton): If you make it possible for people to act as officials at the ordinary poll and at the advance poll you must have a fixed time. You might have the deputy returning officer at the advance poll acting as deputy returning officer at the ordinary poll, and the poll clerk might be the deputy returning officer at another one and the agents would be at another



poll, so the net result might be you might have at some four or more polls persons who are acting on the advance poll. I think we should frown on people duplicating.

Mr. CARON: Would that not point up a difficulty?

Mr. CASTONGUAY: If the committee does not wish to have these persons act in both capacities, then we could just say the count starts at 6 o'clock and they would not act in both capacities.

Mr. HOWARD: That is the way the act is at the moment.

Mr. CASTONGUAY: Yes. It would be a very simple way to stop one person acting in two positions. At 6 o'clock he cannot be in two places at once.

Mr. HOWARD: Was the arbitrary time 9 o'clock?

Mr. CASTONGUAY: I estimated it would take that length of time; that everybody could be there by 9 o'clock.

Mr. HOWARD: Normally that would be so, but what if it is not?

Mr. CASTONGUAY: They would just wait. We have 40,000 polls across this country. I would think it would be folly to say that all open at 8 o'clock. The wording is 8 o'clock, but somebody might go to the wrong place or sleep in, or something else may delay the opening of the poll.

Mr. PICKERSGILL: Would there be any real difficulty about saying "As soon as practicable after the closing of the polls".

Mr. CASTONGUAY: That may take care of it.

Mr. BELL (*Carleton*): The difficulty then is that the agents of the candidates do not know what time to turn up.

Mr. PICKERSGILL: If the agents are any good they will want to know as soon as possible.

Mr. AIKEN: I agree with Mr. Bell. I think the way it is drafted now it says 9 o'clock. It may be a little later because of persons being held up, but there is a time and a place for these persons to be on the job.

The CHAIRMAN: Is there any further comment on this item? This is item (6) (a) (iv). This is the matter of the hours. Are we agreed?

Agreed.

The CHAIRMAN: Thank you. Are there any comments on sub-paragraph (b) or (c)? Are there any further comments on sub-paragraph (6)? If not, we will proceed to sub-paragraph (7). Mr. Howard, have you something on that?

Mr. HOWARD: I do not know if this numeral 95 is under (7).

Mr. CASTONGUAY: That is the next section.

Mr. CHAIRMAN: Is there any other comment?

We will proceed to the next section.

Mr. HOWARD: Here it makes reference to the taking of an affidavit before the deputy returning officer of such district. This is at the advance polling district. Is he in any different class than any other deputy returning officer in the same district?

Mr. CASTONGUAY: The polling divisions are grouped into an advance polling district. In a rural area there may be thirty or forty polling divisions grouped into one advance polling district. The polling divisions grouped form the basis of this district and only the electors of the said district who take the affidavit can vote at the advance poll. The deputy returning officer there acts in the same capacity as at an ordinary poll. The elector must file an affidavit.

Mr. HOWARD: You have one deputy returning officer in the advance polling district.

Mr. CASTONGUAY: Yes; one polling station.

Mr. PICKERSGILL: Every elector who votes at the advance poll must take the affidavit.

Mr. CASTONGUAY: Yes. The affidavit is at page 8.

Mr. HOWARD: I am thinking who is this deputy returning officer.

Mr. CASTONGUAY: In a district like Mr. Howard's the returning officer easily could group all the polling divisions and include them all in one advance polling district. Whether or not they are fifty miles away they still could vote at that advance poll in that district. It would take care of the problem which was raised earlier.

Mr. CARON: What is the reason for the words "do swear (or solemnly affirm)"?

Mr. CASTONGUAY: Some persons take religious or other objection to swearing. This is the procedure provided in the act for other oaths and affidavits. We have copied the same principal which is in the act now.

The returning officer no longer issues certificates. They are no longer necessary as the deputy returning officers, administer the affidavits.

The CHAIRMAN: We will pass on to section 96. Have you any comment, Mr. Castonguay?

Mr. CASTONGUAY: I have no comment.

Mr. AIKEN: Might I ask one further question. Actually, this will eliminate the problem of transfer certificates for election workers; will it?

Mr. CASTONGUAY: It may eliminate it to some extent. It would be a considerable help, but I do not think you can eliminate it from the act. There may be changes before ordinary polling day.

Mr. AIKEN: An election worker who may be absent in another poll on voting day would be permitted to vote at the advance poll in his own voting station?

Mr. CASTONGUAY: Yes; it could be. You cannot issue a transfer certificate to an agent after 10 o'clock on Saturday on the day prior to voting day. The agents may know on Saturday that they will not be working in their own poll on polling day and may vote there. You may find out after the advance polls that some of your agents cannot work in their home polling division. I would not like to see the abolition of the transfer certificates there.

Mr. AIKEN: It will eliminate a lot of the difficulties.

Mr. CASTONGUAY: I would not like to do without transfer certificates.

The CHAIRMAN: Are there any further questions?

We will move to section 97. Have you any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No.

Mr. PICKERSGILL: The times would have to be checked here.

Mr. CASTONGUAY: Yes. We will make the necessary consequential amendments.

The CHAIRMAN: Is there anything further on section 97?

We will move on to section 98. Have you any comments on that, Mr. Castonguay?

Mr. CASTONGUAY: I have no comments on that.

The CHAIRMAN: Gentlemen, have you any questions?

Mr. PICKERSGILL: I am wondering about 98A(a). What would be a false declaration? I assume you do not have to know that you are going to be away; you just have to assume you will be away.

Mr. CASTONGUAY: It is more a question of John Smith arriving at a poll and saying I am Tom Brown. This is where it comes in. Section 95

says that any one is allowed to vote for any reason. He does not have to give the details of such reason. He may be filling out the affidavit in the name of somebody else. It may be impersonation.

Mr. BELL (*Carleton*): Does it cover the case of impersonation because it is covered by the clause "as to the cause or necessity of voting at the poll"?

Mr. PICKERSGILL: It is not because of necessity. If it suits you to vote at the advance poll you can do it.

Mr. CASTONGUAY: Yes.

Mr. AIKEN: That line could be taken right out.

Mr. CASTONGUAY: Yes. I think it should be removed.

Mr. GODIN: Could the entire section be taken out and section 97 added to the existing penalty section of the act?

Mr. CASTONGUAY: I think if you just took out the last line of (a) as to the necessity of his voting at an advance poll, that might do it.

Mr. PICKERSGILL: That seems to me to be it.

Mr. CASTONGUAY: I will check it with justice. If it is agreeable to the committee then we can go ahead.

The CHAIRMAN: Is it agreeable we will remove the last line "as to the cause or necessity of his voting" and following thereafter.

Agreed.

Mr. PICKERSGILL: The difficulty is that this kind of thing which occurred to Mr. Bell would never occur to us in Newfoundland because Tom Jones never does impersonate John Smith.

Mr. HOWARD: Whom does he impersonate?

Mr. PICKERSGILL: I could see that coming.

The CHAIRMAN: This might be an interesting diversion.

Is there anything on sub-section (b)? Anything on (c)?

Mr. PICKERSGILL: There seems to be something wrong. There is a 5 here.

Mr. CASTONGUAY: That is the new clause. It is the beginning of the new clause.

Mr. PICKERSGILL: I am a little lost at this point in the numerology. This is section 5 of the act?

Mr. CASTONGUAY: No. This is section 5 of the draft proposal.

The CHAIRMAN: It is unfortunate we cannot have these printed in various colours. This should be a red 5, or something like that! Are there any questions or comments in respect of this 5?

Mr. HOWARD: Does this also indicate television?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: I am wondering whether the definition is on the next page.

Mr. CASTONGUAY: No. It is in 2.

Mr. PICKERSGILL: Is there anything more to this other than just substituting the word "ordinary"?

Mr. CASTONGUAY: That is all.

Mr. CARON: It will not be possible for people at the advance poll.

Mr. CASTONGUAY: Yes.

Mr. CARON: It has been struck out.

Mr. CASTONGUAY: No.

Mr. PICKERSGILL: In the ordinary act it just was to have been polling day.



Mr. CASTONGUAY: This clarification would not be needed if people had the act with them, and the interpretation of polling day in the interpretation section, but we found out that this clarification is helpful to people when they are reading it.

Mr. PICKERSGILL: There is a question I would like to raise. This has to do with the question of what is meant by the word "broadcast". The reason I raise this point is that I have been asked the question, and it has been suggested to me, that if you go up and down the street of a village blaring out with one of these loud-speakers, is that broadcasting. I confess I never knew the answer.

Mr. CASTONGUAY: Subsection (2) of section 101 reads:

In this section "broadcast" has the same meaning as "broadcasting" in the Radio Act.

Mr. PICKERSGILL: This is a point which should be cleared up. I have never been able to say why it was all right to have a meeting inside the four walls of a building and not be allowed to take a loud-speaker in outports where there are no buildings and broadcast over one of these loudspeakers if you want to. A lot of people think that is illegal.

Mr. BELL (*Carleton*): In section 49(3) it says:

—on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election.

Mr. CARON: Also on a Sunday, if the election is on a Monday, you cannot use a loud-speaker.

Mr. BELL (*Carleton*): On a automobile, truck or other vehicle which is mobile.

Mr. CARON: The truck is not moving.

Mr. WEBSTER: It is making an awful racket and we do not want it.

Mr. PICKERSGILL: I never understood this at all. I wonder if there is any good reason for it.

Mr. CASTONGUAY: The reason is because of the provisions of section 49 as a whole. I have had to give many rulings on that, as to whether or not a loud-speaker is permitted on a car or a building on a Saturday or Sunday and whether or not people are to be allowed to publish information on a Saturday or a Monday. A good deal of the time the difficulty is because they have not read these sections.

Mr. PICKERSGILL: It is more a question of why, or whether, regulation of this is desirable at all. I can see some good in not having national or regional broadcasts on radio or television, but I cannot see in respect of these local things why this is necessary at all.

Mr. BELL (*Carleton*): I think the historical background is to prevent breaches of the peace. In the old days the closer you got to election time the higher tempers got.

Mr. PICKERSGILL: These loud-speakers are of fairly recent origin.

Mr. GODIN: If this is true it would seem that the meetings allowed until 12 o'clock midnight on the day previous to election day are legal.

Mr. CASTONGUAY: They can have them at 3 o'clock in the morning even on election day if they want. They can have them any time, even on election day; even with a loud-speaker in a hall, but not on a vehicle. They can hold political meetings right up to 6 o'clock at night on polling day.

Mr. GODIN: Then there is something slightly wrong—

The CHAIRMAN: I wonder if it would be more effective to go into this when we reach section 49.

Mr. PICKERSGILL: I am perfectly agreeable to go into it any time so long as we do go into it.

Mr. GODIN: Apparently, you can print an ad in the paper on election day, and there is also a section for posters. We are dealing with these matters and they do not seem to jibe. You can have a full ad in the morning paper and it is spread around all day urging you to vote for a certain person. It would seem to me that when the act was made there only were weekly newspapers, or at least evening papers which were printed very slowly and came out only after 6 o'clock; but in these modern times you have seven editions in a day and they come out from 1 o'clock in the morning on the day of election right up until 6 o'clock. When there is only one paper it is out on the street at 2 o'clock. There appears a large ad promoting the vote for one person and by the other token a person cannot be seen around a polling booth with a sticker on a car which requests a vote.

The CHAIRMAN: I think these are important matters, but we might be wiser if we take them up under section 49.

Mr. PICKERSGILL: There is one point which comes within the purview of this section; that is the question of prohibition of broadcasts on the Saturday. I know this will be a very heretical view for a member of the Liberal party to express. I wonder, however, if there is any really valid reason for prohibiting broadcasts on the Saturday before election.

Mr. WEBSTER: If you have not convinced the voter by Saturday you might as well save the money.

Mr. PICKERSGILL: I am always saving money. I recognize that in the present circumstances this might be very much in favour of the party in power. This after all is a law and there should be some good reason for having the law that way. I think it would offend the susceptibilities of a great number of persons if we had public addresses on Sunday; but what this means is that in metropolitan areas, and areas where there are newspapers, those newspapers are sold with propaganda on Saturday and in constituencies like mine where there is not a single newspaper published in the whole riding there is no way of appealing to the people on the last Saturday. It does seem rather discriminatory as between one medium of communication and another. I am not arguing this case strongly. I do not feel strongly, but I am wondering.

Mr. BELL (*Carleton*): At some stage we will have under consideration the whole question of political broadcasting. Should we not leave this until that time.

Mr. PICKERSGILL: I am quite content to follow Mr. Bell's suggestion, that we leave this matter for now.

The CHAIRMAN: Is there anything further on 101?

Now we will look at form No. 66. We already have given consideration to form No. 65.

Mr. CASTONGUAY: The dates will have to be changed on form 65 and we will change those—the dates and times.

The CHAIRMAN: Hours and days.

Mr. BELL (*Carleton*): In clause 2 of form 66 why has the draftsman used the expression "I have reason to believe I will be absent on polling day". Why not use the direct statement "I believe I will be absent"?

Mr. CASTONGUAY: We easily can change it. It is a matter of form.

Mr. PICKERSGILL: I support that.

Mr. CASTONGUAY: It is to line it up with form 65. It is due to the wording in section 95(2). I thought it was the intention of the committee to have everybody vote on ordinary polling day whenever possible and where it is not possible they must have some reason.

Mr. BELL (*Carleton*): I would agree with the expression in section 95 but when you come to the affidavit itself I think it should be a direct expression of belief.

Mr. GODIN: The affidavit is based on the section.

Mr. BELL (*Carleton*): Surely the wording in the affidavit should be "I believe".

Mr. PICKERSGILL: Personally I am in agreement with Mr. Bell that it should be "I believe".

Mr. AIKEN: He has to have a reason to believe he will be absent in order to appear at the poll to cast his vote, but when he is there and is making his declaration all he is required to say is he believes he will be absent.

Mr. PICKERSGILL: Before we adjourn, I have a question of privilege. The acoustics in this room are utterly abominable. Would there be some way of arranging the tables which would make it easier to hear? Would you take that under consideration?

The CHAIRMAN: The acoustics are bad and I must confess that today they are worse than any other occasion I can recall. I thought it might have been some failing of my own.

Now that we have given our consideration to these proposals respecting advance polls, does the committee wish to take any formal action in respect of this draft at this time? We are a very informal and I think a very workable committee. Is it your wish that we leave it as it is?

Mr. KUCHEREPA: I move that we receive a revised draft.

The CHAIRMAN: Gentlemen, there is a document which has been received from the Canadian Association of Broadcasters; it is a letter from the executive vice-president, Mr. Allard. This has just been received by the chairman and you may have an opportunity to peruse it before the relevant section is taken up.

Mr. BELL (*Carleton*): How do you propose to proceed from here on? What will we take up at the next meeting?

Mr. HOWARD: I think we might deal with the question of proxy voting which may or may not take a long time.

The CHAIRMAN: It is either a question of taking up the act section by section or Mr. Howard's suggestion.

Mr. HODGSON: There should be a motion or a suggestion that this draft be accepted and not have the chief electoral officer go ahead and redraft something and then start arguing it all over again.

Mr. PICKERSGILL: I think there is a feeling that most of us would like to look at the document after the corrections have been made to it before we make a final motion, but I would guess that once we see the document there will be a motion to dispose of it without further discussion.

Have we dealt with all the suggestions of the chief electoral officer in respect of the amendments to the act?

The CHAIRMAN: No.

Mr. PICKERSGILL: Those suggestions should be gone through seriatim before we embark on anything else. I am quite agreeable with Mr. Howard's suggestion as to the proxy voting coming in right at the end of that.



The CHAIRMAN: Mr. Castonguay will be with us at the next meeting. Is it agreed we shall have a look at proxy voting?

Mr. PICKERSGILL: Meanwhile, Mr. Castonguay might inform himself as to what proxy voting system now exists.

The CHAIRMAN: Is that agreeable, gentlemen?

Agreed.

The CHAIRMAN: Thank you very much. We will adjourn.



HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

THURSDAY, APRIL 28, 1960

Respecting  
CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,  
and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, April 28, 1960.

(7)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Godin, Kucherepa, Macquarrie, McBain, McGee, Meunier, Ormiston, and Richard (*Ottawa East*)—11.

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer for Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee resumed consideration of the Canada Elections Act, with particular attention to amendments thereto proposed by Mr. Castonguay.

The following proposed amendments were considered:

1. Paragraph (c) of subsection (1) of section 14 of the Canada Elections Act is repealed and the following substituted therefor:

“(c) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and”

2. Rule (23) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 stating the following:

- (a) the numbers of the polling divisions contained in every revisal district established by him,
- (b) the name of the revising officer appointed for each revisal district,
- (c) the revisal office at which the revising officer will attend for the revision of the lists of electors, and
- (d) the day and hours therein during which the revisal office will be open,

and at least four days before the first day fixed for the sittings for revision the returning officer shall mail to the same postmasters to whom the proclamation in Form No. 4 has been mailed (and in the electoral districts of Yukon and Mackenzie River advertise in the same newspapers) copies of the notice of revision in Form No. 14; and the returning officer shall also transmit or deliver five copies of the notice of revision in Form No. 14 to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.”

Rule (23A). The returning officer shall at the same time as he mails the notice of revision as required by Rule (23) notify in writing each postmaster of the provisions of Rules (23B) and (23C).

Rule (23B). Every postmaster shall forthwith after receipt of the notice of revision, post the notice up in some conspicuous place within his office to which the public has access and maintain it posted there until the time fixed for the revision of the lists of electors has passed.

Rule (23C). Failure of a postmaster to comply with the provisions of Rule (23B) shall be a ground for dismissal from office and for the purpose of this provision a postmaster shall be deemed to be and shall be liable as an election officer."

3. Form No. 3 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 3.

APPOINTMENT AND OATH OF AN ELECTION CLERK. (Sec. 9.)

#### APPOINTMENT.

To (insert name of election clerk), whose occupation is (insert occupation) and whose address is (insert address).

Know you that, in my capacity of returning officer for the electoral district of ....., I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district.

Given under my hand at ....., this ..... day of ....., 19.....

.....  
Returning Officer.

#### OATH OF THE ELECTION CLERK. (Sec. 9.)

I, the undersigned (insert name of election clerk), appointed election clerk for the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my said capacity as election clerk, and also in that of returning officer if required to act as such, according to law, without partiality, fear, favour or affection. So help me God.

.....  
Election Clerk.



CERTIFICATE OF ELECTION CLERK HAVING TAKEN THE  
OATH OF OFFICE

I, the undersigned, hereby certify that, on the ..... day of ....., 19...., (insert name of election clerk), election clerk for the electoral district of ....., took and subscribed before me the oath (or affirmation) of office required in such case of an election clerk by section 9 of the Canada Elections Act.

In testimony whereof I have delivered to him this certificate under my hand.

.....  
Returning Officer  
(or as the case may be)"

4. Form No. 6 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 6.

OATH OF OFFICE OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned, appointed enumerator for polling division No. .... of the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district and that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection. So help me God.

.....  
Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE  
OATH OF OFFICE

I, the undersigned, do hereby certify that on the ..... day of ....., 19...., the enumerator above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)"

5. Form No. 13 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 13.

OATH OF A SUBSTITUTE REVISING OFFICER.

(Sec. 17, Sched. A, Rule 18.)

I, the undersigned .....  
(Insert name of substitute revising officer)  
appointed substitute revising officer for revisal district No. ....  
in the electoral district of ....., do solemnly swear  
(or affirm) that I am qualified as an elector in the said electoral  
district and that I will act faithfully in my said capacity of sub-  
stitute revising officer, without partiality, fear, favour or affection,  
and in every respect according to law. So help me God.

.....  
Substitute Revising Officer.

CERTIFICATE OF OATH OF THE SUBSTITUTE REVISING  
OFFICER.

I, the undersigned, do hereby certify that on the ..... day  
of ....., 19 ...., the substitute revising officer  
above named made and subscribed before me the above set forth  
oath (or affirmation).

In testimony whereof I have issued this certificate under my  
hand.

.....  
Judge of the ..... Court  
or .....  
(as the case may be)”

6. Form No. 15 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 15.

AFFIDAVIT OF OBJECTION.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of .....  
Revisal district No. ....

I, the undersigned, ..... whose address  
is ....., and whose occupation is .....,  
do swear (or solemnly affirm):

1. That I am the person described on the preliminary list of  
electors prepared for use at the pending election, for urban polling  
division No. ...., comprised in the above mentioned revisal district,  
and that my address and occupation, as given in the said preliminary  
list, are as set out above.

2. That there has been included in the preliminary list of electors prepared for use at the pending election, for urban polling division No. ...., comprised in the said revisal district, the name of (name as on preliminary list), whose address is given as (address as on preliminary list), and whose occupation is given as (occupation as on preliminary list).

3. That I know of no other address at which the said person is more likely to be reached than that so stated on the said preliminary list, except (give alternative or better address, if one is known).

4. And that I have good reason to believe and do verily believe that the name, address, and occupation mentioned in paragraph 2 of this affidavit should not appear on the said preliminary list because the person described by the said entry (insert the ground of disqualification as hereinafter directed).

Sworn (or affirmed) before me

at .....

this ..... day of .....

19 .....

.....

Revising Officer.

(Signature of deponent)

Grounds of disqualification which may be set out in paragraph 4 of the Affidavit of Objection in Form No. 15 of the Canada Elections Act.

- (1) "Is dead."
- (2) "Is not known to exist."
- (3) "Is not qualified to vote because he is not of the full age of twenty-one years or will not attain such age on or before polling day at the pending election."
- (4) "Is not qualified to vote because he is not a Canadian citizen or other British subject."
- (5) "Is not qualified to vote because he is a British subject other than a Canadian citizen and has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."
- (6) "Is not qualified to vote because he was not ordinarily resident in this electoral district on the ..... day of ....., 19 .... (naming the date of the issue of the writ ordering the pending election)."
- (7) "Is not qualified to vote because he is (naming any other class of disqualified persons to which the person objected to belongs, as prescribed in section 14, 15 or 16 of the Canada Elections Act)."
- (8) "Has, to my knowledge, been included in the preliminary list of electors prepared for use at the pending election for polling division No. .... of this electoral district in which he ordinarily resides."



7. Forms Nos. 17 and 18 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 17.

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR.

(Sec. 17, Sched. A, Rule 33.)

Electoral district of .....  
To the Revising Officer for Revisal District No. .... comprised in  
the above mentioned electoral district.

I, the undersigned, (insert name, address and occupation of agent), do swear (or solemnly affirm):

1. That I am a qualified elector of the above mentioned electoral district and that my name properly appears on the preliminary list of electors for polling division No. .... of the said electoral district.

2. That pursuant to the provisions of Rule (33) of Schedule A to section 17 of the Canada Elections Act, I hereby apply for the registration of the name of (insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made) on the official list of electors for urban polling division No. .... comprised in the above mentioned revisal district.

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18, are to the best of my knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18 was signed in my presence by the person on whose behalf this application is made (or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 18 has been duly sworn (or affirmed) by a relative by blood or marriage or the employer of such person).

Sworn (or affirmed) before me	}	(Signature of deponent)
at .....		
this ....day of ....., 19....		
.....		
.....		
Revising Officer (or as the case may be)		

## FORM No. 18

APPLICATION TO BE MADE BY AN ELECTOR FOR  
REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 33.)

(To be presented to the revising officer by the agent of an elector.)

Electoral district of .....

Urban polling division No. ....

Name of applicant .....

(in capital letters with family name first)

.....  
(address).....  
(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen.  
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the..... day of ....., 19 .... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

Dated at ....., this .....  
day of ....., 19 ....

.....  
(Signature of witness).....  
(Signature of applicant)

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE  
OR EMPLOYER WHEN ELECTOR IS TEMPORARILY  
ABSENT FROM THE PLACE OF HIS  
ORDINARY RESIDENCE.

(To be presented to the revising officer by the agent of an elector.)  
Electoral district of .....  
Urban polling division No. ....

I, the undersigned, ....., of .....,  
(insert name of relative or employer) (address)  
....., do swear (or solemnly affirm):  
(occupation)

1. That I am hereby applying for the registration of the name of  
....., of .....  
(in capital letters with family name first) (address)  
....., on the list of electors for the above mentioned  
(occupation)  
urban polling division at the now proceeding revision of lists of  
electors.

2. That the said person on whose behalf this application is made  
(a) is of the full age of twenty-one years, or will attain such  
age on or before polling day at the pending election;  
(b) is a Canadian citizen;  
(or)

is a British subject other than a Canadian citizen and has  
been ordinarily resident in Canada for the twelve months  
immediately preceding polling day at the pending election;  
and

(c) was ordinarily resident in the above mentioned urban poll-  
ing division on the ..... day of, .....  
19 .... (naming the date of the issue of the writ ordering  
the pending election); (and, at a by-election, has continued  
to be ordinarily resident in this electoral district until this  
day).

3. That the said person on whose behalf this application is made  
is at this time temporarily absent from the place of his ordinary  
residence, and that, to the best of my knowledge and belief, he is  
not disqualified as an elector in the above mentioned urban polling  
division, at the pending election, under any of the provisions of the  
Canada Elections Act.

4. And that I am a relative by blood or marriage or the employer  
of the said person on whose behalf this application is made.

Sworn (or affirmed) before me at	}	(Signature of relative or employer)"
.....,		
this ..... day of .....,		
19 .....		
.....		
Revising Officer (or as the case may be)		



8. Forms Nos. 32 and 33 of Schedule One to the said Act are repealed and the following substituted therefor:

"FORM No. 32.

OATH OF OFFICE OF DEPUTY RETURNING OFFICER.

(Sec. 26.)

I, the undersigned, appointed deputy returning officer for polling station No. .... of the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....  
Deputy Returning Officer.

CERTIFICATE OF DEPUTY RETURNING OFFICER HAVING  
TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the ..... day of ....., 19 ....., the deputy returning officer above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)

FORM No. 33.

APPOINTMENT AND OATH OF OFFICE OF POLL CLERK.

(Sec. 26.)

APPOINTMENT.

To ....., whose occupation is .....  
and whose address is .....

Know you that, in my capacity of deputy returning officer for polling station No. .... of the electoral district of ....., I hereby appoint you to be poll clerk for the said polling station.

Given under my hand at ....., this .....  
day of ....., 19 .....

.....  
Deputy Returning Officer.

OATH OF OFFICE OF POLL CLERK. (Sec. 26.)

I, the undersigned, appointed poll clerk for the above mentioned polling station, do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my capacity of poll clerk, or in that of deputy returning officer, if required to act as such, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....  
Poll Clerk.

CERTIFICATE OF POLL CLERK HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the ..... day of ....., 19 ....., the poll clerk above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Deputy Returning Officer."

9. Form No. 36 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 36.

AFFIDAVIT OF PRINTER. (Sec. 28 (6).)

I, ..... of the .....  
of ....., ..... make oath and say:  
(occupation)

1. That I am .....  
(Insert "the sole member" or "one of the members of the firm of" or .....  
"the ..... of the ..... Co. Ltd.", or as the case may be.)  
hereinafter called "the printer" by whom or by which ballot papers have been printed for the pending election in the electoral district of ..... for a member to serve in the House of Commons of Canada.

2. That ..... sheets for ballot papers numbered as follows, namely: .....  
were delivered to the said printer by the returning officer for the printing of the said ballot papers which were printed with the names of ..... candidates, each of the said  
(Insert number of candidates)  
sheets thus cutting into ..... ballot papers.  
(Insert number of ballots)

3. That the number of ballot papers properly printed and delivered to the said returning officer was ..... and that no other ballot papers have been supplied to any other person.

4. That ..... sheets numbered as follows, namely ..... were not required and have been returned to the returning officer in the condition in which they were received.

5. That ..... sheets of ballots papers were spoilt in printing and that every such piece of spoilt ballot paper has been delivered to the returning officer.

\*6. And that the ballot papers having been printed with the names of ..... candidates, the cut off portions of all the sheets out of which ballot papers were cut have been returned to the said returning officer for return to the Chief Electoral Officer, the same being arranged in numerical order according to the numbers printed thereon.

Sworn (or affirmed) before me	}	
at .....		
in the Province of .....		
this .... day of ..... 19..		.....
.....		(Signature of printer)
Returning Officer (or as the case may be)		

\*Strike out this paragraph unless six, eight, nine, ten, twelve or more candidates are running."

10. Forms Nos. 41 and 42 of Schedule One to the said Act are repealed and the following substituted therefor:

"FORM No. 41.

OATH OF QUALIFICATION. (Sec. 39 (1).)

You swear (or solemnly affirm)

(1) That you are (name, address and occupation) as given on the list of electors now shown you;

(2) That you are a Canadian citizen of the full age of twenty-one years;

(or)

That you are a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(3) That you were ordinarily resident in this polling division on the ..... day of ....., 19.... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, that you have continued to be ordinarily resident in this electoral district until today);



(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the Canada Elections Act;

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

FORM No. 42.

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral district of .....

Urban polling division No. ....

I, the undersigned, do swear (or solemnly affirm):

(1) That I am of the full age of twenty-one years;

(2) That I am a Canadian citizen;

(or)

That I am a British subject other than a Canadian citizen and have been resident in Canada for the twelve months immediately preceding this polling day;

(3) That I was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19.... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until today);

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of the Canada Elections Act;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto;

(7) That I am the person intended to be referred to by the entry on the official list of electors for this polling station under consecutive No. .... of the name of ..... (name as on list of electors), whose occupation is given as ..... (occupation as on list of electors), and whose address is given as ..... (address as on list of electors); and

(8) That the name stated above is my true name and that the signature affixed hereto is in my usual handwriting (or in the case of an illiterate person—that the mark placed hereto is my usual method of signing my name).

Sworn (or affirmed) before me	}	
at .....		
this ..... day of .....		.....
19.....		(Signature of deponent)"
..... Deputy Returning Officer.		

11. Form No. 45 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 45.

AFFIDAVIT OF A CANDIDATE'S AGENT TO BE SUBSCRIBED  
BEFORE VOTING ON A TRANSFER CERTIFICATE.

(Sec. 43 (2).)

Electoral district of .....

I, the undersigned, do swear (or solemnly affirm):

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of .....  
(insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed on this polling day, and that I have taken the oath of secrecy in Form No. 39 of the Canada Elections Act;

(4) That I am a Canadian citizen of the full age of twenty-one years;

(or)

That I am a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(5) That I was ordinarily resident in this electoral district on the ..... day of ....., 19..... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until today);

(6) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of the Canada Elections Act;

(7) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(8) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto, So help me God.

Sworn (or affirmed) before me

at .....

this ..... day of .....

19.....

.....

Deputy Returning Officer.

}

.....

(Signature of deponent)"

12. Forms Nos. 49 and 50 of Schedule One to the said Act are repealed and the following substituted therefor:

"FORM No. 49.

OATH OF AN APPLICANT RURAL ELECTOR. (Sec. 46.)

You swear (or solemnly affirm)

- (1) That you are (name, address and occupation);
- (2) That you are a Canadian citizen of the full age of twenty-one years;

(or)

That you are a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

- (3) That you were ordinarily resident in this electoral district on the ..... day of ....., 19..... (naming the date of the issue of the writ ordering the pending election);

- (4) That you are now ordinarily resident in this rural polling division;

(5) That, to the best of your knowledge and belief, you are not disqualified as an elector in this rural polling division, at the pending election, under any of the provisions of the Canada Elections Act;

(6) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(7) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.



## FORM No. 50.

OATH OF PERSON VOUCHING FOR AN APPLICANT  
RURAL ELECTOR.

(Sec. 46.)

You swear (or solemnly affirm)

(1) That you are (name, address and occupation) as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this rural polling division;

(3) That you know (naming the applicant and stating his address and occupation) who has applied to vote at the pending election in this polling station;

(4) That the said applicant is now ordinarily resident in this rural polling division;

(5) That you verily believe that the said applicant

(a) is a Canadian citizen of the full age of twenty-one years;  
(or)

is a British subject other than a Canadian citizen of the full age of twenty-one years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day; and

(b) was ordinarily resident in this electoral district on the ..... day of ....., 19.....  
(naming the date of the issue of the writ ordering the pending election); and

(6) That you verily believe that the said applicant is qualified to vote in this rural polling division at the pending election. So help you God."

**13.** Clause (g) of paragraph 12 of The Canadian Forces Voting Regulations in Schedule Three to the said Act is repealed and the following substituted therefor:

"(g) distribute a sufficient number of copies of these Regulations, ballot papers, envelopes, books of key maps, books of excerpts from the Canadian Postal Guide, lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, and to each pair of deputy special returning officers, as prescribed in paragraph 19;"

**14.** Paragraph 15 of the said Regulations is repealed and the following substituted therefor:

"15 (1) As soon as possible after the nominations of candidates at the general elections have closed, on the fourteenth day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer.

(2) Upon the list referred to in subparagraph (1) shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations.

(3) The designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer."

15. Subparagraph (1) of paragraph 19 of the said Regulations is repealed and the following substituted therefor:

"19. (1) Each special returning officer shall, as soon as possible, transmit a sufficient number of ballot papers, outer envelopes, inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed within his voting territory; and when deemed advisable, the special returning officer shall distribute a sufficient number of each of the above mentioned documents to every pair of deputy special returning officers appointed to take the votes of Veteran electors in his voting territory."

16. Paragraph 28 of the said Regulations is repealed and the following substituted therefor:

"28. Forthwith upon receiving the supplies mentioned in paragraph 19, the commanding officer shall

- (a) distribute the supplies in sufficient quantities to every deputy returning officer designated by him to take the votes of Canadian Forces electors; and
- (b) cause copies of the list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places."

17. Paragraph 31 of the said Regulations is repealed and the following substituted therefor:

"31. (1) In any voting place, and at any time during which Canadian Forces electors are casting their votes, the deputy returning officer before whom the votes are cast shall cause at least two copies of the card of instructions, in Form No. 9, to be posted up in conspicuous places.

(2) The deputy returning officer, in the place and at the time referred to in subparagraph (1), shall keep readily available for consultation by Canadian Forces electors one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one list of the names and surnames of candidates."

18. Clause (b) of paragraph 41 of the said Regulations is repealed and the following substituted therefor:

- "(b) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day;"

19. Paragraph 57 of the said Regulations is repealed and the following substituted therefor:

"57. (1) In any place, and at any time during which Veteran electors are casting their votes, the deputy special returning officers before whom the votes are cast shall cause at least one copy of the card of instructions, in Form No. 13, to be posted up in a conspicuous place, or shown to every Veteran elector as he applies to vote.

(2) The deputy special returning officers, in the place and at the time referred to in subparagraph (1), shall keep readily available for consultation by Veteran electors one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one list of the names and surnames of candidates."

20. Subparagraph (1) of paragraph 61 of the said Regulations is repealed and the following substituted therefor:

"61. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a Canadian citizen or that he is a British subject other than a Canadian citizen and has been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending general election, that he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, that he has been discharged from such Forces, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration: the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration (except in the case of an incapacitated or blind Veteran elector referred to in paragraphs 58 and 59), and the certificate printed thereunder shall then be signed by both deputy special returning officers."

21. Subparagraph (3) of paragraph 78 of the said Regulations is repealed and the following substituted therefor:

"(3) No ballot paper shall be rejected if, in addition to the names and surname of the candidate of his choice, a Canadian Forces elector or a Veteran elector has written on such ballot paper any of the designating letters appearing on the list of names and surnames of candidates prescribed in paragraph 15."



22. Form No. 12 to the said Regulations is repealed and the following substituted therefor:

“FORM No. 12.

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE  
BEING ALLOWED TO VOTE. (Par. 61)

I hereby declare

1. That my name is.....  
(Insert full name, surname last)

2. That I am a Canadian citizen.  
(or)

That I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending general election.

3. That I was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950.

4. That I have been discharged from such Forces.

5. That I have not previously voted as a Veteran elector at the pending general election.

6. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is

.....  
(Here insert the name of the city, town, village or other  
.....  
place in Canada, with street address, if any)  
.....  
(Here insert name of electoral district)  
.....  
(Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this ..... day of .....  
....., 19.....  
.....  
(Signature of Veteran elector)

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS.

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....  
(Signature of deputy special returning officer)  
.....  
(Signature of deputy special returning officer)”

On motion of Mr. Aiken, seconded by Mr. Kucherepa,

*Resolved*,—That the amendments to the Canada Elections Act submitted by the Chief Electoral Officer, be adopted and included in this Committee's recommendations to the House.

Mr. Castonguay mentioned certain complaints he had received respecting the administration of the Act, particularly concerning the revision of urban voters lists. He tabled a draft of *proposed amendments respecting revision in urban polling divisions*. (See Appendix "A" to this day's proceedings)

The witness outlined the principle of *proxy voting* and he quoted from the Ontario Election Act, 1951, and the Evidence of the Standing Committee on Privileges and Elections, 1955.

*Agreed*,—That further consideration of this matter be postponed until Mr. Howard can be present.

The Committee proceeded to a detailed study of the sections of the Canada Elections Act.

Sections 2, 5 and 10 were allowed to stand.

Sections 1, 3, 4, 6, 7, 8, 9 and 11 were adopted.

At 11.00 p.m. the Committee adjourned until 9.30 a.m. Tuesday, May 3, 1960.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, April 28, 1960.

DC  
Elections

The CHAIRMAN: Gentlemen, I will call upon Mr. Castonguay.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): Last year at the last meeting of this committee the amendments which I propose to submit for your consideration now were considered and studied. Those are the amendments which I understand you wish to review again this morning.

The only addition to these amendments was one prepared at the request of Mr. Bell (*Carleton*). It is the first one, having to do with the residence qualifications of Canadian citizens in Canada prior to voting day. As this amendment was prepared at the request of the committee for Mr. Bell, I thought the committee might wish to consider it at the outset. With the amendments there are explanatory notes. I have no other comments to make other than those shown in the explanatory notes, unless some questions are asked.

The CHAIRMAN: All the members of the committee have the document before them.

Mr. BELL (*Carleton*): The first proposed amendment meets the points I had in mind which, in this area, caused very considerable difficulty in the last election in respect of the wives of the armed forces or civil servants abroad, who were not eligible to vote in Canada when they came back until they had been back a period of twelve months. I think that for a Canadian citizen to be treated this way is most improper.

Mr. CARON: They should be permitted to vote when they come back.

Mr. BELL (*Carleton*): Yes; as soon as they come back.

Mr. CASTONGUAY: The members of the civil service, when they come back from duty abroad, and also persons working for industry abroad face this same difficulty; and I am sure this amendment will be well welcomed by them if it is passed.

Mr. BELL (*Carleton*): Yes.

The CHAIRMAN: Are there any other comments on this? Heretofore we have given it pretty thorough attention.

Mr. AIKEN: Mr. Chairman, the sole amendment in this first paragraph, as I see it, is merely the addition of the words "In the case of a British subject other than a Canadian citizen". That is the substance of the amendment?

Mr. CASTONGUAY: Yes. A British subject still would have to meet the residence qualification of one year before polling day, but a Canadian citizen would not have to meet that. All he would have to meet is the qualification of residence in the electoral district on the date of the issuance of the writ.

The CHAIRMAN: Are there any other questions?

Mr. BELL (*Carleton*): I think last year we covered this pretty well.

The CHAIRMAN: Yes.

Mr. CASTONGUAY: There are no additions.

The CHAIRMAN: In our wisdom last year we found this to be an excellent document.

Mr. CARON: Is there any change in respect of the electoral or polling clerk?

Mr. CASTONGUAY: The only change is that an election officer must take an oath that he is a qualified elector in the electoral district. The section of the act prescribes that he must be an elector of the electoral district, and this is to facilitate the appointment of electoral officers such as deputy returning officers and so on.

Mr. CARON: In the amendment there is no change in the nomination of the returning officer.

Mr. CASTONGUAY: No change.

Mr. CARON: Nor in the case of a clerk.

Mr. CASTONGUAY: No.

Mr. BELL (*Carleton*): This arises out of Chief Justice McRuer's report in connection with St. Paul's.

Mr. CASTONGUAY: Yes.

Mr. CARON: What was his proposal?

Mr. CASTONGUAY: That if parliament considered it advisable that an election officer must be qualified as an elector in the electoral district, it would be advisable on the appointment to have an oath taken that the election officer is a qualified elector in order that persons who do not fulfil this requirement are not appointed.

Mr. CARON: Are we going to come back to a study of the act item by item? According to the electoral law in Quebec the returning officer at a poll is nominated by the representative of the government and the clerk is nominated by the one who had the most votes at the preceding election. That is a protection for most of the parties. I would like to see this included in the changes which will be brought out when the time comes.

The CHAIRMAN: Mr. Caron, there will be an opportunity for that.

Gentlemen, we have finished our consideration of this item. What is your pleasure as to its disposal?

Mr. CARON: We can come to that when we study the whole thing. We have those amendments and they will be reached when we study the whole thing.

Mr. AIKEN: Mr. Chairman, I suggest we do something similar to what we did in respect of the advance poll; that is, that we accept these recommendations of the chief electoral officer and include them in our final report when it submitted.

The CHAIRMAN: Are you making that as a motion?

Mr. AIKEN: Yes, I would so move.

The CHAIRMAN: Is there a seconder?

Mr. KUCHEREPA: I will second the motion.

The CHAIRMAN: You have heard the motion. Are you ready for the question?

Mr. CARON: Exactly what is the motion?

The CHAIRMAN: Mr. Aiken, would you repeat the motion.

Mr. AIKEN: That the amendments proposed by the chief electoral officer, as submitted to the committee, be accepted and included in our final report.

The CHAIRMAN: All in favour? Contrary?

Motion agreed to.

Mr. CASTONGUAY: I have a further proposal to make. This arises out of what I consider the weakness in our present system of revision in the urban polling divisions. I regret I did not include this when the amendments were prepared. It was only recently that I arrived at what I consider to be a reasonable solution to this problem.

As you know, the Canada Elections Act now gives us six days to compile the list of 9½ million electors, so there are bound to be errors or omissions, and omissions such as the names of persons who are qualified to vote being omitted from the list. The first light of day is given to these omissions when the lists are posted in each polling division. The second stage is when the printed lists are given to the candidates and the candidates distribute these lists to their poll captains, and these errors again become rather obvious. The third stage at which they become obvious is when the lists are mailed to each dwelling in each urban electoral district. The returning officers inform me, once this occurs complaints begin to come in, that names have been omitted. Also with these complaints, enquiries are made as to how to get names on the lists. Of course at that stage the returning officer has no service to give to the electors and merely can inform them that the revising officer will sit on the 18th, 17th and 16th day, and that they may appear either in person or be able to have their names added to the list by an agent.

There are three different types of agent. The first agent is any qualified elector of an electoral district. He may act as agent on behalf of a person whose name has been omitted from the list. A blood relative or employer can act in the same capacity.

What my predecessor and I have found is that the time interval between the distribution of this list, or the publication of the list, either through posting or mailing is such that when the revision comes along many of the people who complained at the earlier stage cannot appear before the revising officer because for some reason they are not able to appear on the 18th, 17th, or 16th day.

In addition, there is another difficulty. Many of these forms are filled out by persons who have no understanding of the form. I do not intend to cast any reflection on the workers in the committee rooms of the various candidates nor my own election officers; but these forms are not fully understood and some of the applications which are given to the revising officer are made out in such a way that he cannot possibly accept them. Between the time when they first complain and when the form is completed the people sometimes lose interest, and as a result their names are not included on the list.

Also I have had complaints that persons have gone to committee rooms, filled out this form and have thought their names would appear on the list. They think that is all they have to do. Somehow through inadvertance the form is not presented to the revising officer.

Therefore, in studying the Ontario Elections Act, I think we have a solution to this problem which could be adapted to our electoral system; that is, to appoint a pair of special agents for each urban revisal district. This pair of special agents would begin to function on the 24th day—according to my plan—before polling day, that is after the lists are published, mailed, and after the candidates receive copies of the lists and distribute them to their workers. The duties of this pair of special agents would last from the 24th day until the last day of revision, which is the 18th day. They would work under the direct orders of the returning officer.

In a revisal district their duties would be to go to an apartment building which has been missed, or a whole side of one street which has been missed, with these application forms and have the electors complete and sign them in their presence. This is not an enumeration. This really is an assistance to



the elector and an assistance to the revising officer. These forms would be completed by the elector in the presence of the two agents, and the two agents will have to submit those forms to the revising officer during the period of the revision for the final approval of the revising officer. When the revising officer receives these forms he may accept or reject them. If he wishes to reject them he has to notify the elector in question by registered mail to appear before him.

Broadly speaking this is the plan. From the rural aspect I did not think that this would be required. I will give you some figures to support my opinion: in 1958, we had 901 revising officers revising a list of urban electors containing 5,432,663 names. That is 901 revising officers for approximately 5½ million urban electors. However, from the rural aspect we had 20,082 rural enumerators revising a list of rural electors containing 3,698,537 electors. On the one hand, we have 20,000 election officers revising the rural list and on the other hand only 900 revising officers revising 5½ million urban electors. Therefore, I think there is a lack of facility given to the urban elector to see that his name is on the list. You are all aware that the penalty for not having a name on the urban list in the election is that the elector is disfranchised. This is not applicable in a rural area. If the name is not on the list the person still can be vouched for on polling day.

I am putting this plan before you so that you will have an opportunity of looking at it before we reach schedule "A" to section 17 of the Canada Elections Act which deals with the revision of urban lists. You may have an opportunity to study it and give some consideration to this particular problem. My plan would call for roughly 1,500 special agents. They would work from Saturday the 24th day to the following Saturday. The cost, as I estimate it, of this project would be \$87,000. At present the cost of the rural revision is \$301,000, approximately, for the last election. The cost for urban revision is \$209,000. In so far as cost goes this would bring the cost of the urban revision in line with the rural, and also provide a service which the urban electors are not getting now.

Mr. CARON: They would have an additional service.

Mr. CASTONGUAY: This is in addition to what is in the act now.

Mr. CARON: It would not change the list.

Mr. CASTONGUAY: No. This would supplement the provisions in the act. Also, I think this particular plan would be welcomed by political organizations throughout the country because of the need of having these forms filled out in the committee rooms and of getting staff to take care of this particular problem. All they have to do is notify the returning officer that names have been omitted in a certain polling division and this is passed on to the special agents. You must remember that these special agents are not acting as enumerators. They must seek out and find the elector, while the enumerator merely goes to the dwelling and gets the information from the best source available.

But, in this case, these special agents will have to seek out the electors whose names have been omitted from the list, and have them complete the form. It may require two or three trips to a dwelling; whereas, before, they made one.

Mr. CARON: Would they be nominated, the same as the enumerators, for the regular list?

Mr. CASTONGUAY: Yes. In my proposals I have carried out this proposal of the nomination of urban enumerators to the special agents. This may not be your wish, but I made it in the way I thought the committee would like it. I have tried to foresee every objection that might be raised within the committee.

Mr. AIKEN: I have two questions, Mr. Chairman.

Have there been cases, such as mentioned, where a whole block has been missed—or a whole side of a street?

Mr. CASTONGUAY: Since I have been chief electoral officer—and I am sure this was the case with my predecessor—I have faced the terrible problem of having to use these special emergency powers to extend the period of enumeration. In one polling division a whole side of one street was missed, and one or two large apartment buildings. Half a city block has been missed. So, we have extended the period of enumeration in almost every urban electoral district in order to sort of remedy these omissions. Not only have we extended it after the enumeration, but these errors have also been discovered after the period of revision. I, as well as my predecessor, have had several occasions to use our special emergency powers to extend the period in order to have these names included. These are not isolated cases. I do not know of one electoral district in Canada, which is wholly urban, that did not have these difficulties.

There is the other problem in respect to urban, and it is this. A pair of enumerators will go beyond the limits of their polling division and poach on someone else's polling division. When this occurs, you have a real mess. So, you have to extend the period of enumeration in order to have two or three polling divisions reenumerated.

If you are asking me for my point of view, in so far as the election officers are concerned it is a real problem.

Mr. AIKEN: I have had an apartment block missed by enumerators by each using it as a starting point, and neither of them including it.

My other question concerned whether the chief electoral officer would propose to pay these special agents by the names that they include, or on salary.

Mr. CASTONGUAY: I think it would have to be a salary. It cannot be done on the basis of names.

The CHAIRMAN: Mr. Aiken, you are learning now how the rest of the world lives, so to speak.

Have you a question, Mr. McGee?

Mr. MCGEE: There are three matters which I wish to bring up at this time. Are you going to be limited to two per constituency?

Mr. CASTONGUAY: Two per revisal district. In your district there are eleven revisal districts, so you would have 22.

Mr. MCGEE: Is it going to be flexible enough to take the swollen ridings?

Mr. CASTONGUAY: Yes—the larger the riding the more revisal districts; but each revisal district will have a pair of special agents.

Mr. MCGEE: In regard to this problem of missing sides of streets and so on, as you will recall, we had a couple of spectacular examples in York-Scarborough. I have often thought that it would solve a lot of problems for everyone if there was some requirement in the determination or establishment of polling division boundaries, thereby disallowing this business of a line through the back lots facing on such and such a street. In other words, when an area is being designated as a polling sub-division a requirement could be made that they stick to the middle of streets for the determination of polling divisions. I know that this would remove the possibility of an even numerical balance, as between different polling sub-divisions, but it would overcome the difficulty of this business of missing sides of streets because of the difficulty of determining and interpreting the description. Has this matter been given consideration?



Mr. CASTONGUAY: It has not only been considered, but we even have supplied a test case. In one constituency a map was made on which the polling division area was outlined for each enumerator. However, we still ended up with the particular problem of someone poaching on someone else's territory.

Mr. MCGEE: In other words, you did make a map?

Mr. CASTONGUAY: We took a large city map, and we cut out the area of that polling division by streets. We supplied each enumerator with only the graphic description of his polling division, and we found that was not an improvement over the old way.

Mr. MCGEE: But did it have the qualification that I have suggested—that you determine your boundary by sticking to the middle of streets, or other natural boundaries?

Mr. CASTONGUAY: This is no reflection on the enumerator, but this very operation is a crash operation. The enumerator is doing as competent a job as he is able to do under the circumstances. There are 65,000 enumerators, and they have six days to collect  $6\frac{1}{2}$  million names.

While I have pointed out major omissions, this is not general; I think the work, as a whole, is rather satisfactory, considering with the time available in which they have to do the job.

Mr. MCGEE: Then, you do not think much of my suggestion in regard to sticking to the middle of the streets.

Mr. CASTONGUAY: Yes, where practicable. There are instructions to that effect, but they cannot always do it because if they stuck to the middle of the streets some of the polls would have 1,000 electors and, in that case, you would run into other problems.

Mr. MCGEE: My third point is this. It has been suggested that for one reason or another, mainly exuberant children or, perhaps, weather conditions, which have a profound effect on the condition of these lists, people are not aware of the dates, as they pass and, in fact, have not had an opportunity to scrutinize the list. People have to be at home. All right; we put out names on a list, and send the people on the list a copy of the list, which gets it to the people who are on it; and the people who are not could observe the postal list. In regard to the list, has the suggestion been made that instead of being mailed to the individuals on the list—

Mr. AIKEN: To the ones who are not on it?

Mr. MCGEE: —it be put out on a postal walk basis, with one put into every residence?

Mr. CASTONGUAY: This has been suggested. However, I think you are aware of the problem in large cities where against prevailing by-laws, boarding houses are being run, and the persons who are running these boarding houses will not pass these lists on. When the enumerators go around they will not give them the names of the boarders. Some of these omissions are of that type.

An illustration of that is the second enumeration in the electoral district of St. Paul's in the last election. We picked up approximately 1,800 names on the second enumeration. I was told that most of these names were from boarding houses which did not give them on the first occasion. I would like to see a list being mailed to each elector entitled to receive one in a dwelling, rather than dropping one into a house.

Mr. BELL (*Carleton*): I think this is an exceedingly significant proposal, which has been outlined by the chief electoral officer. As far as I am concerned I would be prepared to give it enthusiastic approval. It constitutes a major and most useful advance in our electoral procedure.



Mr. CASTONGUAY: I discussed this with Mr. Rod Lewis, the chief electoral officer of the province of Ontario. Although their system is not identical to the one I am proposing, they have a pair of enumerators who are adding names to the list.

Mr. CARON: You said that you would give us a draft of it.

Mr. CASTONGUAY: Yes. Mr. Lewis said that since they adopted this system it has been very satisfactory.

If I may table the amendments, I would like to do so. The committee may wish to have them printed as an appendix to the minutes.

Mr. BELL (*Carleton*): Yes.

The CHAIRMAN: Gentlemen, is it agreed?

Agreed to. (*See Appendix "A"*)

The CHAIRMAN: Is there anything further?

Mr. CASTONGUAY: I have nothing further to add.

Mr. KUCHEREPA: Will those amendments be printed in the report?

The CHAIRMAN: They will be an appendix "A" to these proceedings, yes.

Mr. CARON: Are there any additional copies?

Mr. CASTONGUAY: I have additional copies for the members, if you wish them.

Mr. AIKEN: Since we have the printed amendments here, are we going to dispose of them now, or shall we leave them until a later time?

The CHAIRMAN: It would be better to allow members to peruse it. We will come to it at the appropriate section—and let us hope that it will not be too far away.

Mr. Howard had some thoughts in regard to proxy voting. As he is not with us today, he has asked that this subject be taken up at a subsequent meeting. I am sure none of you will disagree with his request.

Mr. BELL (*Carleton*): Would it be feasible for the chief electoral officer to give us a statement in connection with proxy voting, and where it exists. In this way it would be on the record, and would give us an opportunity to study it for a subsequent meeting. We could simply hear from Mr. Castonguay this morning, and not proceed further.

The CHAIRMAN: It is just a question as to whether we should extend the courtesy to Mr. Howard of having it done while he is here.

Mr. MCGEE: It would be on the record, and Mr. Howard could peruse it as well.

The CHAIRMAN: All right, gentlemen. Would you proceed, Mr. Castonguay.

Mr. CASTONGUAY: Proxy voting was first used in federal elections at the 1953 general election by the Canadian prisoners of war in Korea. These regulations were passed in 1951. Eighteen proxies were issued to the next-of-kin of the prisoners of war. I have no figures as to whether the next-of-kin exercised their proxy for the prisoner of war—but I know that eighteen were issued.

This was more of an automatic proxy method. Remember, the regulations provided that once a member of the Canadian forces became a prisoner, and hostilities were running concurrently with an election, the next-of-kin would be the person to whom the proxy would be sent. I was given the name and address of the next-of-kin. I then established the electoral district in which the next-of-kin lived, and instructed the returning officer to find out if the next-of-kin was a qualified elector. If he or she was, I then sent the next-of-kin a proxy which permitted he or she, while voting at the poll, to vote twice, once for himself or herself, and once for the prisoner of war.

This was the first occasion, and these are the first regulations ever passed by parliament for proxy voting at federal elections.

The only other province that has proxy voting is the province of Ontario. They have a section here, which I would like to read to you. It is section 89 of the Ontario Elections Act, and is entitled "mariners voting by proxy". It reads as follows:

89. (1) Where the name of a person is entered on the voters' list for a polling subdivision as entitled to vote at elections to the assembly and he is a mariner, he shall be entitled to vote by proxy as provided in this section.

(2) A mariner may appoint in writing (form 24) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

(3) The appointment of a proxy shall name the person authorized to vote at an election for which a writ has been issued for the electoral district and no appointment of a proxy shall be valid unless it is made after the date of the issue of the writ of election nor shall it remain in force after the return of the writ.

(4) A person who has been appointed a voting proxy may apply to the revising officer at the sittings held for the revision of the lists in accordance with The Voters' Lists Act, 1951 in the municipality in which the mariner is entitled to vote, to be entered upon such list.

(5) The revising officer shall take evidence on oath as to the right of the mariner to vote in the subdivision of the municipality upon the list of which his name is entered and as to the qualifications of the voting proxy, and if the revising officer finds that the mariner is duly qualified and that the voting proxy is qualified to act for the mariner, he shall give a certificate across the face of the appointment of the voting proxy to that effect (form 25) and shall cause the name of the voting proxy to be entered on the voters' list after the name of the mariner.

(6) No more than one person shall be appointed a voting proxy on behalf of a mariner at any election.

The other sections deal with the taking of the vote. Do you want me to continue?

Mr. CARON: Do they give those who are qualified for voting by proxy?

Mr. CASTONGUAY: Only mariners. It is restricted only to mariners.

Mr. CARON: It does not include the sick in hospitals?

Mr. CASTONGUAY: No. It is restricted to mariners.

The province of Ontario also, during a wartime election, used the proxy voting system. If I may, I would like to read to the committee a letter that was received by Mr. Butcher, counsel for a special committee on elections, from Mr. Alex Lewis, who was then the chief electoral officer for Ontario. This letter might throw some light on the extent to which it was used. The letter is dated March 7, 1944, and appears in the printed minutes of the special committee on the Dominion Elections Act, 1938—armed forces.

Dear Sir:

Your letter of February 17 addressed to the provincial secretary, in which you ask for information regarding the taking of the votes of the active service electors in the recent Ontario election, has been referred to me for attention.

I am forwarding herewith a pamphlet which contains a copy of the Active Service Election Act, the regulations adopted under the act and all forms which were used.

The members of the forces situated within the province voted directly in the camps in which they were located, their vote being applied to a candidate in the electoral district in which they resided previous to enlistment. Approximately 70 per cent of the possible voters registered and 45 per cent voted in these camps.

Members of the forces located outside the province were allowed to appoint an agent to vote as their proxy. About 15 per cent of the possible voters returned their completed proxies in time and about 6 per cent of the possible votes were polled. It is only fair to say in this connection, that the date of our election, as we learned afterwards, conflicted with the movement of Canadian troops from England to Italy, and my agent in London advised me that the men were far too much interested in the prospect of active service to take any interest in the election. In addition, the time between the issuing of the writs and the holding of the election was too short to give the plan a proper trial.

If there is any further information I can give you please command me.

Yours very truly,  
(sgd) Alex. C. Lewis,  
Chief Election Officer.

I would also like to read the evidence as to the exercise to these proxies in the provinces other than the province of Ontario. Colonel A. J. Brooks was called as a witness before the committee. If I may read this excerpt, it may give you some idea of voting by proxy in the other provinces where Ontario electors were entitled to vote.

Colonel A. J. BROOKS, called:

The WITNESS: Mr. Chairman, at the outset I want to say that I do not pose as an authority on this voting at all. Frankly I was rather surprised I was called in here, but if there is any information I can give I will be very glad to supply it. Do you wish me to go ahead?

The CHAIRMAN: Go ahead and give us your views.

The WITNESS: The only experience I had with army voting during this war was during the recent Ontario election when the men voted by proxy. I had about 1,000 to 1,200 Ontario men in my camp.

By Mr. McNiven:

Q. Where?—A. At Windsor, Nova Scotia. Proxies were sent to our office and we saw that the men all received the proxies and the voting was explained to them, but I must say we were very much disappointed in the results. The men were not interested in voting by proxy. We concluded that not more than 10 to 15 percent of the men bothered sending their proxies back at all.

By Hon. Mr. McLarty:

Q. Was there some resentment about it, or indifference?—A. They thought it was a heck of a way to vote. They did not consider it voting at all and the result was the proxies were scattered all over the camp, and the net results of the vote were very limited. I agree with Colonel Ferguson that the men did not like to vote by proxy. They



would sooner vote directly, at least be given the opportunity to do so. That is all the experience I had in connection with voting in my camp.

I tried to obtain figures from the chief election officer of Ontario as to the extent this was used by mariners at the various elections in Ontario, and he told me these statistics were not compiled as there was no record of them.

However, this same subject came up in 1955. Mr. Robinson brought up this very subject of proxy voting for Great Lakes seamen, and if I may read from the evidence it may be of some assistance to the members. This is the evidence given before the 1955 committee.

The CHAIRMAN: . . . First of all, we have received several letters which you can see in the appendix to No. 1 printed report of the proceedings of the committee.

The WITNESS: Not all but most letters advocate the adoption of a form of absentee voting, or some method to permit people to vote who, for valid reasons, are unable to be in their polling division on polling day and consequently are not able to cast their vote.

They nearly all recommend absentee voting; there are two requests for proxy voting, and all the rest are for absentee voting. They suggest that some method should be devised to take the vote of persons who are absent on voting day.

*By Mr. Pouliot:*

Q. Proxy voting? There is no proxy voting at the present time.—A. Merely for prisoners of war.

Q. Prisoners of war only. I am not strong for that. There are three dates allowed to permit commercial travellers, sailors, and railway men to vote at advanced polls. There are three days for that, besides the provision for prisoners of war. There are no others. But at the present time the prisoners of war must be very few. Dou you know How many there are?—A. At the last general election, eighteen voted.

Q. Well, there must be very few at the present time. They have all been returned. That section regarding proxy voting is not in operation now.—A. No.

Q. Because it is spent; in legal language, it is spent. Therefore although there was provision made for prisoners of war at the last election, that provision is practically non-existent now. It is only theoretical.—A. Yes, theoretical.

Q. Why should we start to give proxy voting? I cannot understand it. The members of the committee are free to decide as they wish, but I think it is a bad method of voting. For me there should be a poll which was organized as an advance poll to permit electors to vote in this country. I was not on the committee when proxy voting was passed. My attention was not brought to it. There are so many things to do, it was impossible; but I am definitely opposed to proxy voting. That is the opinion of one member. The other members are free to decide on what they wish.

The CHAIRMAN: Mr. Robinson gave notice of motion at our last meeting.

Mr. ROBINSON (*Bruce*): Mr. Chairman, once more I wish to express many happy returns to the member from Temiscouata.

Mr. POULIOT: Thank you.

Mr. ROBINSON (*Bruce*): I also would like to say that he has had great experience in elections, but we are never too old to pick up a few odds and ends. For instance, he mentioned advanced polls on three days. Apparently he neglected to remember the mariner who is not able to take advantage of them because he may be away. They usually leave home in March and probably do not return until December in ninety per cent of cases unless they take a chance to run home on some Sunday to meet their wives.

I have had a notice of motion distributed. I have struck out three words of the motion which I intend to move. Those three words are on the third last line, and the first one. I have done so for two reasons, the first being that I have had no solicitation from people other than mariners asking for advanced voting. Consequently I quite realize that it would make the motion more complicated. Therefore, to further the discussion of this motion I would like to move, seconded by Mr. Nowlan, that:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll, therefore, this committee endorses the principle of voting by proxy for mariners who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

I might say, Mr. Chairman, that this is a very live issue up in our district. As I stated the other day, it is nothing new and at provincial elections it was not new either.

I would like to refer you to page 23 of our minutes of proceedings number 1, dated March 8. There is a letter there from Judge G. W. Morley from the vicinity of my district, and he explains the results they had with proxy voting at a certain election in that district.

There is probably a feeling against having something new in the Elections Act, but my interpretation of the Elections Act is to try to entitle people to exercise their franchise. I think we should lean over backwards to give people a chance to vote and not to pull them away from doing so. I cannot enlarge on what I have said.

The province of Ontario has a proxy vote. What percentage of votes is cast thereby I do not know; but I would not be surprised if the percentage is as large as that of the general voting, because the general voting is not in any way near to one hundred per cent. I take much pleasure in moving that motion.

The motion was lost, on a vote, by 7 to 4.

I think the letter that he referred to in his evidence was a very short one, and I would like to read it to the committee.

It was addressed to Mr. Jules Castonguay, and reads:

Dear Mr. Castonguay:

re: Mariners Proxies

I have received a communication from Mr. Colin E. Bennett, M.P., for North Grey, with respect to this matter and he has sent me a copy of Hansard which deals with the last discussion that took place in connection with mariners proxies.

Permit me to state that probably the county of Grey, with the exception of possibly Toronto and other large ports, has had extensive experience with mariners proxies, and having been chairman of the

election board for this county at provincial elections, extending over a period of 20 years, I think I am in a position to make a fair statement respecting this matter. Last time when this matter was discussed apparently you did not have the advice of any judge or revising officer who has had experience in dealing with mariners proxies.

Generally speaking, in the provincial elections, none of the parties have watched this matter very carefully and the consequence was that many of these mariners were denied a vote because none of these political parties knew the law and did not realize that they should get after these proxies as soon as the writ of election has been issued.

However, I have a vote here on June 21st under the Liquor Licence Act 1946 Ontario and all the parties have diligently endeavoured to secure all the proxies they could and the result is, up to date I have granted 58 proxies out of a possible 80 in Owen Sound.

I hope you will take the contents of this letter into consideration and seriously consider bringing in necessary legislation at the present session if possible.

Yours truly,

(sgd) G. W. Morley, Judge.

Mr. CARON: The legal law is the statute.

Mr. CASTONGUAY: This is all I have to say in respect of proxy voting.

The CHAIRMAN: Thank you, Mr. Castonguay. Does anyone here have any comment to make or any inquiry to direct to the chief electoral officer on this matter?

Mr. BELL (*Carleton*): I think we should reserve this until Mr. Howard comes in.

The CHAIRMAN: In respect of our plan of procedure, we have dealt with the general suggestions which we planned to discuss at the beginning of our series of meetings, and that series may be a long one.

Perhaps now we are ready to proceed to look at the Canada Elections Act. As we go along it is important that we confine our conclusions. We need not reopen discussions, so I think perhaps we might now turn to the Canada Elections Act, which is at page 150 in the document which I am sure you all have.

I may say we have made new housekeeping arrangements for this room in the hope of making the acoustics better, but the committee which follows us likes it the way it was so we must give them time to rearrange things *de gustibus non est disputandum*. Therefore, we have until about 10:55 at the latest today.

As the chief electoral officer points out the interpretation section usually stands until the act is discussed.

Section 1 is to the effect that this act may be cited as the *Canada Elections Act*.

Shall we agree to stand section 2?

We will move on to section 3. I am sure all members have the document before you and that I may dispense with the reading of each section. Are there any comments or inquiries on section 3?

We will pass on to section 4.

Mr. BELL (*Carleton*): Has there been any amendment to section 4 as it relates to the salary of the chief electoral officer? Having regard to the responsibilities which he has, I think the salary set forth in that section is entirely inadequate. I believe we are very fortunate in this country in having



a man so distinguished as the chief electoral officer. He is a very fair minded person and should be treated in accordance with the real qualities which he has.

The CHAIRMAN: Thank you, Mr. Bell.

Mr. CASTONGUAY: The last amendment was in 1955 to bring me in line with the salary increases given to deputy ministers in 1954.

Mr. CARON: Mr. Bell, do you have a suggestion?

Mr. BELL (*Carleton*): I assume it is a matter which would have to come from the government.

Mr. CARON: Did you have any suggestion in mind?

Mr. BELL (*Carleton*): No.

The CHAIRMAN: I am sure the committee endorses the comments of Mr. Bell.

Is there anything further in respect of section 4? Are you ready to pass on to section 5?

Mr. CARON: In relation to the amendments proposed, are there any special powers which should be added? I see here that it says there are special powers and duties of the chief electoral officer. Would there be a necessity for an increase in the special powers as a result of the amendments which are coming up?

Mr. CASTONGUAY: Mr. Chairman, I do not like special powers.

Mr. CARON: Nobody does, but sometimes it becomes a necessity.

Mr. CASTONGUAY: I think that most of the problems can be solved by legislation.

Mr. CARON: Under the powers you have.

Mr. CASTONGUAY: I think that under section 99 I have more than adequate powers to deal with most of the problems which come up.

Mr. BELL (*Carleton*): From the point of view of good draftsmanship would it not be well to have the powers in section 99 consolidated into section 5? You have two sections which set forth what the powers of the chief electoral officer are. This is a matter which might be discussed with justice.

Mr. CASTONGUAY: If it is the wish of the committee I could have a draft prepared consolidating the two.

The CHAIRMAN: Is there any further comment on this subject.

Mr. AIKEN: I would agree with that, because I see that section 99 is a special provision. It would not interrupt the trend of the remainder of the sections in that area of the act.

Mr. CASTONGUAY: I see no objection to the merging of these two sections.

The CHAIRMAN: Shall we let this section stand?

Mr. CASTONGUAY: Mr. Chairman, my understanding is that I am to merge section 99 with section 5.

Mr. BELL (*Carleton*): Yes.

The CHAIRMAN: Section 6 has to do with the staff of the chief electoral officer.

Mr. BELL (*Carleton*): The words "In the manner authorized by law" means the Civil Service Act?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Are there any further comments or enquiries in respect of this section?

Mr. AIKEN: Has the chief electoral officer any comment?

Mr. CASTONGUAY: No comments.

Mr. KUCHEREPA: May we anticipate that if the chief electoral officer has any comment as we go along that he will give it.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Section 7, writs of election. There are four subsections. Are there any comments on this, gentlemen?

Mr. McGEE: Has any consideration been given to changing either the form or the method of publication of the writ? Could the chief electoral officer give us some indication of the origin of the writ, its publication, and any suggestions which might have come to his attention in view of the current urban trends.

Mr. CASTONGUAY: The governor in council passes an order in council in which he orders me to issue a writ, or writs in the case of a general election, to each returning officer, ordering that an election be held. A proclamation is the instrument through which the public and candidates are notified that the writs have issued. This has been satisfactory; at least I have received no suggestion that this should be changed. Through the publicity media of newspapers, radio and television I think people are aware that an election or by-election has been ordered. In any event, I have never received any representations that this should be changed.

Mr. BELL (*Carleton*): The moment you are given orders to issue a writ, your practice is to telegraph all returning officers.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): But that has no official status; the official status is when the writ is received by him?

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): Has it been necessary to use the provisions of subsection 4 in recent years?

Mr. CASTONGUAY: No, but they were put in there after the experience of flooding in Manitoba. In 1955 the committee approved this measure in order to deal with situations like this which may come up. However, since this was passed in 1955 I have not had reason to use the provisions of this particular subsection. I do think it is necessary.

Mr. BELL (*Carleton*): At one stage during the by-election in Yale in 1948 the returning officer was fearful that there needed to be something of this sort—and this provision was not there at the time.

Mr. CASTONGUAY: No. 1955 was the date of this provision.

The CHAIRMAN: Have any other members comments which they wish to make on this section? If not, we are ready to pass on to section 8—returning officers and election clerks. There are four subsections.

Mr. KUCHEREPA: Am I correct in understanding that this section, up to 1956, when this was passed—is this the date of passing?

Mr. CASTONGUAY: No; this is the date of the office consolidation.

Mr. KUCHEREPA: What was the date of passing?

Mr. CASTONGUAY: This particular section, in its present form, was passed in 1934.

The CHAIRMAN: If there are no further questions, we will pass on to section 9, which has seven subsections. Have we any comment on this?

Mr. CARON: Where do we find the nomination of the deputy returning officers?

Mr. CASTONGUAY: That is a subsequent section; I think it is section 26.

The CHAIRMAN: Would you proceed now, Mr. Aiken?

Mr. AIKEN: Thank you, Mr. Chairman, I would like to ask the chief electoral officer a question. Under section 9, I would like to ask whether the duties of the election clerks are generally taken advantage of in most electoral districts? I understand in some cases the returning officer assumes most of the duties, and I have known cases where an election clerk is left with actually very little to do.

Mr. CASTONGUAY: This is a matter of internal housekeeping with the returning officer.

There are certain prescribed duties, but there are very few in the Canada Elections Act that are required of an election clerk. However, the returning officer may appoint an election clerk, who will also act as his secretary, and also do some clerical work. He is remunerated out of the fees and allowances provided for clerical assistance in item 4 of the tariff. The extent of the use made of election clerks is entirely dependent upon the returning officer—that is, other than what is provided in the act.

Mr. ORMISTON: But, he shall be appointed?

Mr. CASTONGUAY: Yes.

Mr. ORMISTON: He must be appointed?

Mr. CASTONGUAY: Yes, he must be appointed.

Mr. ORMISTON: Do returning officers receive a salary and not an indemnity?

Mr. CASTONGUAY: He receives an indemnity and not a salary—that is if you are speaking of a salary on the basis of annual salary, no; he receives fees and allowances for the period of the election.

The CHAIRMAN: Are there any further questions or comments in connection with section 9?

Mr. AIKEN: Is this the proper section under which to discuss the question of salaries or remuneration of returning officers?

Mr. CASTONGUAY: I believe that comes under section 60.

The CHAIRMAN: If there are no further questions in connection with section 9, we shall proceed to section 10.

Mr. BELL (*Carleton*): My comment concerns a small drafting matter, but it seems extraordinary that in subsection 2 of section 10 there are two completely separate ideas, which are separated only by a semicolon. How it came about, I do not know. It seems extraordinary draftsmanship.

Mr. CASTONGUAY: The act was revised and re-enacted in 1952, and a certain amount of revision was done then. This was allowed to stand.

Mr. BELL (*Carleton*): I think at least another subsection would be in order.

Mr. CASTONGUAY: Well, if it is the wish of the committee.

The CHAIRMAN: Supposing a period was used.

Mr. AIKEN: There is no connection between the two; it should be subsection 3 after the semicolon.

Mr. CASTONGUAY: If it is the wish of the committee I will have an amendment prepared.

Mr. BELL (*Carleton*): Although it is a small matter it would tidy it up.

Mr. CASTONGUAY: This will be subsection 3 of section 10.

Mr. BELL (*Carleton*): Or, your advisers in the Department of Justice may find a better place to put it—but certainly not just after a semicolon.

The CHAIRMAN: You would not be satisfied with a period?

Mr. AIKEN: No; they are not connected at all.



The CHAIRMAN: Except I suppose if he or she is doing what he or she should be doing in the first sentence he or she could not be doing what he or she is forbidden to do in the second. However, if it is the wish of the committee, we will let it stand, and have a draft prepared of an additional subsection.

Gentlemen, we now move on to section 11, which deals with polling divisions.

Mr. BELL (*Carleton*): Mr. Chairman, this is a very important section. As it is, I think it would be wise to hear from the chief electoral officer as to how he instructs his returning officers in these schools which he holds for them, on the techniques of proper revision of the boundaries of polling divisions.

Mr. CASTONGUAY: We held schools for returning officers prior to the 1957 election. We held schools for all except 20 new returning officers prior to the 1958 election. Time did not permit these schools for the new returning officers. Before the next general election—and I think some members may be able to give me the date more accurately than I could—but I propose next fall to instruct returning officers to proceed with the revision of polling division arrangements of their electoral districts and, at the same time, hold courses for returning officers.

Under the present system we have provision for an annual revision—that is, for an annual revision of the polling division areas. However, I do not think that I should order one for 1959 until such time as the committee has studied the act, made its report, and legislation is brought down. I have every expectation that this legislation will be passed at this session. We propose to hold these courses next fall, at which time my instructions will be given to bring polling divisions, usually in the urban areas, between 250 and 300 electors in order to give maximum convenience to the electors in these polls.

Before a general election can be held, I think it is essential that this revision takes place—whether it is in 1961, 1962 or 1963. It must be held. This normally takes three to four months in order that the returning officers may do this work.

The next step before a general election can be held is to send the returning officers the supplies they need to launch the election. I am referring to the enumeration supplies. So that in my course to returning officers I gave them as ample instructions as I could to bring polling divisions down to between 250 and 300 electors, wherever practicable.

This cannot be done in a great many of the rural areas. In the rural areas, if you insisted that polling divisions be 250 electors, there would be fairly large divisions; so we have polling divisions that contain as little as ten electors and others that are on a par with the greater number of names on the returns.

Is there any further information you want on this? My instructions on the revision are also set out in my printed instructions.

Mr. BELL (*Carleton*): In the manual?

Mr. CASTONGUAY: Yes, in the manual.

Mr. BELL (*Carleton*): Generally speaking, you try to coincide as much as possible with the municipal polling boundaries, do you?

Mr. CASTONGUAY: In the experience we have had we have always been rather successful in having the general revision completed long before a general election. The officers have told me that provincial election officers and municipal election officers have come to them for a copy of their polling division set-up, because in most provinces the returning officer is appointed the day the writ is issued, so he has not time for preliminary work.

I know my returning officers in rural electoral districts try as much as possible to have boundaries of polling divisions conform with the municipal or provincial set-up; but it is not always possible to do this because the municipal or provincial requirements may be completely different from the federal as to the number of electors who should be included in a division.

I know my printed instructions emphasize the fact that wherever possible they try to keep the polling division in line with the provincial or municipal set-up.

Mr. ORMISTON: Now the Indians have the vote, do you anticipate setting up polling divisions on reserves?

Mr. CASTONGUAY: In every electoral district in Canada where there are reserves I propose to give instructions to my returning officers to establish polling divisions on reserves in such a manner as to give Indians on reserves the same facilities as other electors in the electoral district. I will specifically instruct them and give them the time that this should be done. I think that will be the wish of the committee.

The CHAIRMAN: Anything further on section 11?

We pass on to section 12. It may be the last one we can deal with today.

Mr. CASTONGUAY: This is on sub-section 11. There is a letter from Mr. P. E. Charlebois with respect to an improvement in polling facilities, which was sent to the Secretary of State. Perhaps you would wish me to read it?

The CHAIRMAN: I think perhaps we should have the letter read.

Mr. CASTONGUAY: This is a copy.

Dear Sir:

In 1956 I wrote the public relations regarding our voting act. It seemed then that my letter was not much concerned because they felt the Liberals could not be put out of office. I write now and feel this matter should receive some action because it's important not only to our present government but to all those who voted our government in office.

We want to stay Conservative and urge our representatives to seek better means through the Elections Act, in order that all will have a chance of a vote—also be able to vote as wished—not be ushered (sic) in a back of a house and required to put up with the stink of the place. A vote a sacreat (sic) and should be treated in better manner than now done. A vote is something all wish to exercise, but our ways of privilege is not good enough to urge any voter to use this privilege on election day. The poles (sic) open at early hour and close at 7 p.m. How many people working at the other direction leave their job to go five or ten miles to vote? We have not put too much in giving the voter a real opportunity to vote. We only follow our old ways and feel confident our Canadians will bear towards them. A lot could be done to better this very needed situation—all of Canada should be able to vote.

Industries should be given a chance to help their workers by putting poles (sic) on the premises even if floating poles (sic) were introduced. Why should a voter be required to vote in a special pole (sic)? Why can't he under a new system be allowed to enter a pole (sic), show his registered document and have it stamped and vote?

Canada needs better voting ways.

(sgd) P. E. Charlebois.

Mr. CARON: I believe there is another letter, from Mrs. Irene Wagg. Apparently it is addressed to the Prime Minister and is to do with improved conditions at polling stations. It is on page 6 of the list.

Mr. CASTONGUAY: It is addressed to Mr. John Diefenbaker, Parliament Buildings, Ottawa.

Dear Mr. Diefenbaker:

May I congratulate you on the success of the elections.

Here comes the list complaint. We were voting at Poll No. 32 on Oak Street No. 61.

First we had to stand 15 minutes on the veranda, one man ahead of us, then a truck driver drove up and went in ahead of us.

The woman of the house stood in the kitchen in such a position that, if she wanted to be nosy, she could see the mark made, as the sheet was not high enough to hide all the person, a table in a corner open all around was used.

I heard several complaining of different polls not being what they should be.

Second, why no ballot boxes for the hospitals. The west send officers in the hospital with the B. boxes and we think people who are eligible to vote should have the opportunity to do so, if by chance in hospital, they still should be allowed to exercise their right to vote.

Lets pray for better years to come under the guiding hand of our Heavenly Father through your service to God and the Canadian people.

God bless you and yours.

Sincerely yours,  
(sgd) Irene Wagg.

The CHAIRMAN: Have you any more letters, Mr. Castonguay?

Mr. AIKEN: Mr. Chairman, perhaps in the interest of economy of time Mr. Castonguay might have merely a summary of the contents of these letters made rather than read the whole letter, if we are going to refer to them?

Mr. GODIN: The real merit may disappear.

The CHAIRMAN: They are all available on the table here.

I hope all the members will diligently peruse the act, so that next time we may proceed with it expeditiously.



## APPENDIX "A"

## DRAFT AMENDMENTS PROPOSED BY THE CHIEF ELECTORAL OFFICER TO THE CANADA ELECTIONS ACT RESPECTING REVISION IN URBAN POLLING DIVISIONS

1. (1) Paragraph (8) of section 2 of the Canada Elections Act is repealed and the following substituted therefor:

"(8) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer, special agent or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;"

"Election officer."

(2) Section 2 of the said Act is further amended by adding thereto immediately after paragraph (35) thereof the following paragraph:

"(35a) "special agent" means a person appointed by the returning officer pursuant to Rule (42) of Schedule A to section 17,"

"Special agent."

2. Subsection (18) of section 17 of the said Act is repealed and the following substituted therefor:

"(18) Every person who impedes or obstructs an enumerator or a special agent in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars."

Penalty for obstructing enumerator or special agent in performance of duties.

3. (1) Clause (b) of Rule (27) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"(b) sworn applications made by agents on Forms Nos. 17 and 18, or by special agents on Forms Nos. 17A and 18A, on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (33) or Rule (33A); and"

(2) Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (33) thereof the following Rule:

"Rule (33A). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two special agents, in Form No. 17A exhibiting an application in Form No. 18A, signed by the person who desires to be registered as an elector; the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(3) Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (34) thereof the following Rule:

"Rule (34A). If the revising officer entertains a doubt as to whether any application for registration, as mentioned in Rule (33A), should be allowed, he shall not accept such application and in such case the revising officer shall, not later than Saturday, the sixteenth day before polling day, transmit, by registered mail, to the applicant, at his address as given in his application in Form No. 18A, a Notice in Form No. 16A advising the person mentioned in such application that he may appear personally before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name entered on the appropriate official list of electors; if such person answers to the satisfaction of the revising officer all relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the official list of electors of the polling division where such person resides."

(4) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, or where under Rule (34A) a notice in Form No. 16A has been sent to an applicant, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections and of all applications in Form No. 18A of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

(5) Rule (41) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (41). Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by special agents in Forms Nos. 17A and 18A, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

Rule (42). For each urban revisal district the returning officer shall, on Friday, the twenty-fourth day before polling day, appoint in writing in Form No. 5A two persons to act as special agents therein, and shall require each of such persons to take an oath in Form No. 6A that he will act faithfully in the capacity of special agent without partiality, fear, favour or affection and in every respect according to law; each special agent so appointed shall be a person qualified as an elector in the electoral district.

Rule (43). The returning officer shall, as far as possible, select and appoint the two special agents of each urban revisal district so that they shall represent two different and opposed political interests.

Rule (44). At least five days before he proposes to appoint the persons who are to act as special agents as aforesaid, the returning officer shall

- (a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as special agent for every urban revisal district comprised in the electoral district, and, except as provided in Rule (45), the returning officer shall appoint such persons to be special agents for the revisal districts for which they have been nominated; and
- (b) in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (a) of this Rule is not available to nominate special agents or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate special agents, and then proceed with the appointment of such special agents as above directed.

Rule (45). If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating candidate or his representative, who may within twenty-four hours thereafter nominate a substitute to whom the provisions of Rule (43), and of this Rule, shall apply; if no substitute is nominated as aforesaid, or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint to any necessary extent.

Rule (46). If either of the candidates or persons entitled to nominate special agents fail to nominate a fit and proper person for



appointment as special agent for any urban revisal district comprised in the electoral district, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint special agents to any necessary extent.

Rule (47). The two special agents appointed for each urban revisal district shall act jointly and not individually; they shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them; the returning officer shall decide the matter of difference and shall communicate his decision to the special agents; they shall accept and apply it as if it had been originally their own; the returning officer may at any time replace any special agent appointed by him by appointing, subject to the provisions of Rule (43), another special agent to act in the place and stead of the person already appointed, and any special agent so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information which he has obtained for the purpose of the performance of his duties; and on default he is guilty of an offence punishable on summary conviction as in this Act provided.

Rule (48). Each pair of special agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them; if at such place there is found to be any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election, that person may complete Form No. 18A and if such a person does complete Form No. 18A the special agents shall then jointly complete Form No. 17A and present such completed forms to the appropriate revising officer during such times as he may be sitting as provided in Rule (26).

Rule (49). On the day upon which the sittings for the revision of the lists of electors in urban polling divisions commence, the special agents shall present to the appropriate revising officer any completed applications in Forms Nos. 17A and 18A in their possession; on each of the two succeeding days upon which the revising officer is sitting, the special agents shall present such further applications in Forms Nos. 17A and 18A as may be completed.

Rule (50). During the first three days of the sittings for the revision of the lists of electors in urban polling divisions, the revising officer may direct the pair of special agents appointed for his revisal district to proceed in the same manner as provided in Rule (48)."

4. Paragraph (b) of subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

"(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, special agents, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment; and"

By separate  
cheques  
in other  
cases.

5. Subsection (2) of section 100 of the said Act is repealed and the following substituted therefor:

“(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator, special agent or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act.”

Qualifications as electors of election officers.

6. Schedule One to the said Act is amended by adding thereto immediately after Form No. 5 thereto the following Form:

“FORM No. 5A.

APPOINTMENT OF SPECIAL AGENT.

(Sec. 17, Sched. A, Rule 42.)

To (insert name of special agent), whose address is (insert address).

Know you that, in pursuance of the Canada Elections Act, I, the undersigned, in my capacity of returning officer for the electoral district of ....., do hereby appoint you special agent for urban revisal district No. .... of the said electoral district.

Given under my hand at ....., this ..... day of ....., 19 ...

.....  
Returning Officer.”

7. The said Schedule One is further amended by adding thereto immediately after Form No. 6 thereto the following Form:

“FORM No. 6A.

OATH OF OFFICE OF SPECIAL AGENT.

(Sec. 17, Sched. A, Rule 42.)

I, the undersigned, appointed special agent for urban revisal district No. .... of the electoral district of ..... do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district and that I will act faithfully in my said capacity of special agent, without partiality, fear, favour or affection. So help me God.

.....  
Special Agent.

## STANDING COMMITTEE

CERTIFICATE OF THE SPECIAL AGENT HAVING TAKEN  
THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the ..... day of ....., 19 ....., the special agent above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)"

8. Form No. 14 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 14.

NOTICE OF REVISION.

(Sec. 17, Sched. A, Rule 23.)

Electoral district of .....

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday and Saturday, the ....., ..... and ..... days of ....., 19....., (Insert the dates of the 18th, 17th and 16th days before polling day) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF .....

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos. .... of the above mentioned electoral district, the sittings for revision will be held at (Insert exact location of the revisal office) before (Insert full name of revising officer) who has been appointed revising officer.

(Proceed as above in respect of any other revisal district.)

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Thursday and Friday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT, during the sittings for revision on the Thursday, Friday and Saturday aforesaid, the revising officer shall dispose of the following applications:

(a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted



from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the Canada Elections Act;

- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by special agents on Forms Nos. 17A and 18A, of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) or Rule (33A) of Schedule A to section 17 of the said Act; and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until ten o'clock in the evening of each of these days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (Insert location of office of returning officer).

NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the ..... day of ..... 19....., (Insert the date of the thirteenth day before polling day) at the same place and times as the sittings for revision on the Thursday, Friday and Saturday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in Form No. 15 of the said Act to the retention of names on the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (28) of Schedule A to section 17 of the said Act.

Given under my hand at ....., this ..... day of ....., 19.....

(Print name of returning officer)  
Returning Officer."

9. The said Schedule One is further amended by adding thereto immediately after Form No. 16 thereto the following Form:

"FORM No. 16A.

NOTICE TO APPLICANT BY REVISING OFFICER

(Sec. 17, Sched. A, Rule 34A.)

Electoral district of .....

Revisal district No. ....

To (set out name, address and occupation of the person as these appear on the application in Form No. 18A).

As it appears to me that (insert the ground of disqualification as hereinafter directed),

Take notice that you may appear before me in person during my sittings for revision which will be held at No. .... street, in the City (or Town) of ..... on Tuesday, the ..... day of ....., 19 ....., (insert the date of the thirteenth day before polling day) where I may be found from ten o'clock until eleven o'clock in the forenoon and from seven o'clock until ten o'clock in the evening, for the purpose of establishing your right, if any, to have your name entered in the official list of electors of the polling division where you reside.

This notice is given pursuant to Rule (34A) of Schedule A to section 17 of the Canada Elections Act.

Dated at ....., this ..... day of ....., 19.....

.....  
Revising Officer.

Note. If the person to whom this notice is addressed does not appear before the revising officer his name will not be added to the official list of electors.

Grounds of disqualification which may be set out in the Notice to Applicant by Revising Officer in Form No. 16A of the Canada Elections Act.

(1) "You are not a qualified elector in the electoral district."

(2) "Your application in Form No. 18A has not been properly completed."

10. The said Schedule One is further amended by adding thereto immediately after Form No. 17 thereto the following Form:

"FORM No. 17A

SWORN APPLICATION TO BE MADE BY THE SPECIAL AGENTS ACTING FOR AN ELECTOR.

(Sec. 17, Sched. A, Rule 33A.)

Electoral district of .....

To the Revising Officer for Revisal District No. ....  
comprised in the above mentioned electoral district.

We, the undersigned, (insert name, address and occupation of each special agent), do swear (or solemnly affirm):

1. That we are qualified electors of the above mentioned electoral district.

2. That pursuant to the provisions of Rule (33A) of Schedule A to section 17 of the Canada Elections Act, we hereby apply for the registration of the name of (insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made) on the official list of electors for urban polling division No. .... comprised in the above mentioned revisal district.

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18A, are to the best of our knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18A was signed in our presence by the person on whose behalf this application is made.

Severally sworn (or affirmed)	}	
before me at .....		.....
this .... day of ....., 19 ....		(Signature of special agent)
.....		.....
.....	}	(Signature of special agent)
Revising Officer		
(or as the case may be)		

Note.—This form must be signed and sworn to by both special agents appointed to act in the above revisal district."

II. The said Schedule One is further amended by adding thereto immediately after Form No. 18 thereto the following Form:

"FORM No. 18A

APPLICATION TO BE MADE BY AN ELECTOR FOR  
REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 33A.)

(To be presented to the revising officer by the  
special agents acting for an elector.)

Electoral district of .....

Urban polling division No. ....

Name of applicant .....

(in capital letters with family name first)

.....

(address)

.....

(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.



I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen.  
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19 ..... (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the Canada Elections Act.

Dated at ....., this ..... day of ....., 19 .....

.....	}	..... (Signature of applicant)"
(Signature of special agent)		
..... (Signature of special agent)		

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

TUESDAY, MAY 3, 1960

Respecting  
CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Woolliams—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

TUESDAY, May 3, 1960.

(8)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Henderson, Hodgson, Howard, Kucherepa, Macquarrie, Mandziuk, McWilliam, Montgomery, Ormiston, Pickersgill and Webster.—(14)

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer for Canada; and Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee resumed its consideration of the Canada Elections Act.

Mr. Howard requested that a member of the West Coast Fishermen's Union, Mr. Homer Stevens, be invited to speak to the Committee respecting *proxy voting*.

On motion of Mr. Hodgson, seconded by Mr. Caron,

*Resolved*,—That the question of *proxy voting* be deferred for a period of two weeks.

The Chief Electoral Officer submitted revised copies of the amendments tabled on April 7 and amended by the Committee on April 28, respecting *advance polls*. The abovementioned amendments were approved, on division, as follows:

1. (1) Subsection (4) of section 2 of the Canada Elections Act Repeal. is repealed.

(2) Subsection (12) of section 2 of the said Act is repealed.

(3) Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:

"(27) "polling day", "day of polling" or "*ordinary polling day*" "Polling day," means the day provided by section 21 for holding the poll at an "day of election;" polling" or "ordinary polling day."

2. Rules (40) and (41) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (40). The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and *three* copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect.

Rule (41). Upon the completion of the foregoing requirements, and not later than *Wednesday*, the *twelfth* day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the *three* copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits, in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

3. Sections 94 to 98 of the said Act are repealed and the following substituted therefor:

Establishment of advance polling districts.

"94. (1) The returning officer shall,

- (a) in urban areas, establish an advance polling district in each revisal district; and
- (b) in rural areas, group together the rural polling divisions into advance polling districts, each to contain such number of rural polling divisions as may be necessary to ensure that every rural polling division is included in an advance polling district.

Establishment of advance polling stations.

(2) In urban areas, an advance polling station shall be established in each advance polling district, and in rural areas, an advance polling station shall be established in every city, town or village having a population of one thousand or more.

Combining urban advance polling districts.

(3) When a request is made to the returning officer not later than ten days after a writ has been issued for an election, he may, with the prior permission of the Chief Electoral Officer, combine any two urban advance polling districts in his electoral district.

Urban and rural polling divisions may be amalgamated.

(4) Where there is a small number of urban polling divisions in an advance polling district, the returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, include in such advance polling district any rural polling divisions which it is considered desirable to so include.

Request for advance polling station.

(5) Any request for the establishment of advance polling stations in places not specifically provided for in subsection (2) shall be made to the returning officer not later than ten days after a writ has been issued for an election and he may, with the prior permission of the Chief Electoral Officer, make provision for the establishment of advance polling stations at such places.

Advance polls conducted as ordinary polls.

(6) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act.

When advance polls to be open.

(7) Advance polls shall be open between the hours of eight o'clock in the forenoons and eight o'clock in the afternoons of Saturday and Monday, the ninth and seventh days before the ordinary polling day, and shall not be open at any other time.

(8) The returning officer shall, after nomination day and not later than Wednesday, the twelfth day before the ordinary polling day, Notice in  
Form No. 65.

- (a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out
  - (i) the numbers of the polling divisions comprised in every advance polling district established by him,
  - (ii) the location of each advance polling station,
  - (iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at such polling station, and
  - (iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the afternoon of the ordinary polling day;
- (b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and
- (c) notify each postmaster in writing of the provisions of subsection (9) when he sends the notice.

(9) upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such. To be posted  
up.  
  
Postmaster  
election  
officer.

95. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who has reason to believe that he will be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such advance polling station. Who may  
vote at  
advance  
polls.

96. (1) The deputy returning officer, upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district, shall Duties of  
deputy re-  
turning offi-  
cer respect-  
ing affidavits  
for voting at  
an advance  
poll.

- (a) fill in the affidavit for voting at an advance poll, in Form 66, to be taken and subscribed to by the person so applying,
- (b) allow such person to take and subscribe to such affidavit before him,
- (c) complete the attestation clause on such affidavit,
- (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and
- (e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of very such affidavit in the order in which it was taken and subscribed to.



Person who takes affidavit allowed to vote.

Exception.

No poll book kept, but notations to be made on affidavit.

Record of Completed Affidavits for Voting at an Advance Poll.

Elector subscribing to affidavit not to vote on ordinary polling day.

Examining and sealing of ballot box.

Re-opening of advance poll.

Proceedings at close of advance poll each day of voting.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses.

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk at the advance poll shall, under the direction of the deputy returning officer, preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station.

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit.

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

97. (1) At the opening of an advance poll at eight o'clock in the forenoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

- (a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein,
- (b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and
- (c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting.

(2) At the re-opening of the advance poll at eight o'clock in the forenoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present,

- (a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box,
- (b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and
- (c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1).

(3) At the close of the advance poll at eight o'clock in the afternoon of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present,

- (a) unseal and open the ballot box;

- (b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers;
- (c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and
- (d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits.

(4) The deputy returning officer and the poll clerk shall, and such of the candidates, their agents or the electors representing the candidates as are present may, affix their signatures on the gummed paper seals affixed to the special envelopes previously referred to in this section before such envelopes are placed in the ballot box, whereupon the deputy returning officer shall lock and seal the ballot box, as prescribed in subsection (1).

Affixing of signatures and special metal seal.

(5) In the intervals between voting hours at the advance poll and until nine o'clock in the afternoon of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates, their agents or the electors representing the candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day.

Custody of ballot box.

(6) As soon as possible after the close of advance polls at eight o'clock in the afternoon of Monday, the seventh day before the ordinary polling day, the returning officer shall cause to be collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district.

Collecting of Record of Completed Affidavits for Voting at an Advance Poll.

(7) The deputy returning officer shall, at nine o'clock in the afternoon of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made

Count of votes on the ordinary polling day.

and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer.

Provisions applicable to advance polls.

(8) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

Striking from lists of electors names of persons who have voted at advance polls.

98. (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll pursuant to subsection (6) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records.

Where lists of electors have been distributed to ordinary polling stations.

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions.

Name inadvertently struck off.

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made.

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates.

(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (6) of section 97 to each candidate officially nominated in his electoral district.

Offences and penalties respecting advance polls.

98A. Every person who, corruptly,

- (a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66;
- (b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, votes or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or
- (c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

4. Subsection (1) of section 101 of the said Act is repealed and the following substituted therefor:

Political broadcasts forbidden.

"101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio on the ordinary polling day and on the two days immediately preceding it in favour or on behalf of any political party or any candidate at an election."



5. Forms Nos. 65 and 66 of Schedule One to the said Act are repealed and the following substituted therefor:

FORM No. 65.

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94(5).)

Electoral District of .....

Take notice that, pursuant to the provisions of sections 94 to 97, inclusive, of the Canada Elections Act, an advance poll will be opened in the undermentioned advance polling district(s).

FOR ADVANCE POLLING DISTRICT NO. 1, comprising polling divisions Nos. .... of the above mentioned electoral district, the advance polling station will be located at (Specify in capital letters the exact location of the advance polling station), and the votes cast at such polling station will be counted on Monday, the ..... day of ....., 19 ....., being the ordinary polling day, at nine o'clock in the afternoon, at (Specify in capital letters the exact location where the count will be held).

(Proceed as above in respect of any other advance polling district.)

And further take notice that the said advance polling station(s) will be open between the hours of eight o'clock in the forenoons and eight o'clock in the afternoons of Saturday and Monday, the ..... and ..... days of ....., 19 ....., being the ninth and seventh days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district.

And further take notice that any elector whose name appears on the list of electors prepared for a polling division who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears, if before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66 of the Canada Elections Act, before the deputy returning officer of the said advance polling station.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election is

located at ..... in the City of .....  
Town  
Village

Dated at ....., this ..... day  
of ....., 19 .....

(Print name of returning officer)  
Returning Officer.

FORM No. 66.

AFFIDAVIT FOR VOTING AT AN ADVANCE POLL. (Sec. 95.)

Consecutive number of affidavit .....

Electoral District of .....

Advance Polling District No. ....

I, the undersigned, ....., whose occupation is ..... and whose address is ....., do swear (or solemnly affirm):

1. That my name appears on the list of electors prepared for polling division No. .... comprised in the above mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above mentioned polling division.

SWORN (or affirmed) before me  
at .....  
this .....  
day of ....., 19 .....  
.....  
Deputy Returning Officer.

}

(Signature of deponent)

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE ADVANCE POLLING STATION

Consecutive number of elector on list of electors	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer")	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted"	REMARKS

Repeal.

6. Schedule Two to the said Act is repealed.

The Committee proceeded to a detailed consideration of the Canada Elections Act.

Sections 12 and 13 were adopted.

*On Section 14:*

Mr. Howard moved, seconded by Mr. Caron,  
That Section 14(1)(a) be amended to read:

"(a) is of the full age of eighteen years or will attain such age on or before polling day at such election;"

On motion of Mr. Aiken, seconded by Mr. Mandziuk,

*Resolved*,—That Mr. Howard's motion be allowed to stand.

Paragraphs (a) and (b) of Subsection (1) of Section 14 were allowed to stand.

Paragraph (c), as amended on April 28, was adopted.

Paragraph (d) was adopted.

Section 5 of the Act was amended by adding the following subsection:

"(2) If during the course of any election it transpires that in- sufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate ex officio revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent; but in the exercise of this discretion no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll."

Miscalculation, mistake or emergency.

Section 10 of the Act was amended by deleting the present subsection (2) and inserting the following therefor:

"(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's office during the hours that the polls are open."

Attendance at office by returning officer and election clerk.

(3) No returning officer or election clerk shall act as deputy returning officer or poll clerk at any polling station."

Returning officer or election clerk may not act at any polling station.

Sections 5 and 10 were adopted as amended.

At 11.00 a.m. the Committee adjourned until 9.30 a.m. Thursday, May 5, 1960.

E. W. Innes,  
Clerk of the Committee.





## EVIDENCE

TUESDAY, May 3, 1960.

The CHAIRMAN: Gentlemen, as we have a quorum, I would ask that you come to order.

There was one of our preliminary general subjects to which we did not give full consideration; this concerned the question of proxy voting, on which the chief electoral officer made a report on Thursday. As the record of the committee is not yet available, I am wondering if it might not be suitable to take up this item on Thursday, when we hope to have the printed record before us.

Mr. Howard, I believe there are some people from the fishing industry who you think might have some contribution to make to the committee. We might consider at this time the question of making use of these people. Would you tell us something about what you had in mind.

Mr. HOWARD: Yes, I will do that, Mr. Chairman.

First, perhaps I should express my thanks to the chairman and members of the committee for holding over the proxy discussion from last Thursday, when I was unable to be here. I greatly appreciate this.

In the meantime, some representatives of the united fishermen and allied workers union from British Columbia attended the Canadian labour congress convention in Montreal. They are now here for some meetings with the Department of Fisheries and the Department of Transport concerning beacon lights, and things of that nature.

It is my proposal that at this time we might afford an opportunity to one of the gentlemen from the fishermen's union—or, perhaps more than one; but in any event one—to appear before us as a witness in order, from their personal observation, to explain to the committee the times when a fisherman is away from home, their various fishing seasons, particularly in regard to the halibut and salmon runs, and so on. This would acquaint us more directly with the effect proxy voting may have upon them. This is one group that I had in mind, when I raised the question of proxy voting, as it applied to fishermen.

Naturally, Mr. Chairman, this would be evidence in support of my thought that we should have proxy voting. However, primarily, it is to acquaint the committee more fully with the problems experienced on the west coast in the fishing industry, as it applies to fishermen in so far as their distance from home, the time they are away, the length of the fishing season for various species of fish, and things of that nature are concerned.

Following that we could deal with the actual question of proxy voting in principle, and express our thoughts as to whether or not we agree with it.

For the reasons outlined, I think that we should afford someone from the fishery union an opportunity to appear.

The CHAIRMAN: What is the name of the gentleman you had in mind?

Mr. HOWARD: His name is Homer Stevens. He is the gentleman who spoke to me. However, I do not know what official position he holds in the fishermen's union, but I think he is the fishermen's agent, or something of that nature. There are two or three other officials from the same union, who are here with Mr. Stevens.

Mr. BELL (*Carleton*): So that I may understand what this proposal is, is Mr. Stevens to come as a representative of the fishermen's union, duly authorized by them to make representations to the committee respecting proxy voting?

Mr. HOWARD: Well, I think this would not have been duly authorized beforehand. It is only coincidental that he happens to be here.

Mr. BELL (*Carleton*): Then, he is coming as an individual?

Mr. HOWARD: Yes, I think so. He holds some office in the union, and there are other officers with him. I do not know whether they have internally any right within their organization to make decisions on this. I do not know whether or not they speak for the union. Primarily, it would be a matter of an individual appearing, and giving an explanation of the difficulties encountered by the fishing industry.

Mr. PICKERSGILL: That is, the fishing industry of British Columbia?

Mr. HOWARD: Oh, yes.

Mr. PICKERSGILL: Mr. Chairman, this does raise a rather awkward question of principle for the committee. I have no doubt that on very few subjects are there more citizens of the country with ideas of their own than there are about voting, and about elections.

I am not opposing or supporting Mr. Howard's suggestion, but I am just raising the question of whether, before deciding on a particular witness, we should decide whether we are going to hear any witnesses who want to come concerning any topic that we think is worth exploring.

Mr. AIKEN: Further to Mr. Pickersgill's suggestion, I wonder if this gentleman has any special knowledge of the problems of proxy voting. Perhaps Mr. Howard could explain that. My understanding of what Mr. Howard said is that he had a special knowledge of the conditions of fishermen, their hours and times away from home, and so on. I just wondered if he had any special knowledge of our problem of proxy voting.

Mr. HOWARD: I would think not. As I understand it, this has been used only for the armed forces to a slight degree, and in the province of Ontario with respect to mariners. I would think he would not. His primary experience would be the activities of fishermen, how often they are away from home, the distances they are away, and so on.

Mr. AIKEN: Would they have any opinions on proxy voting?

Mr. HOWARD: Well, he may. I could not say, but I would hope so.

Mr. PICKERSGILL: Speaking for myself, I must say that I would be more impressed with the views of Mr. Howard on most of these problems than with the views of the gentleman Mr. Howard suggests should be brought before the committee. Mr. Howard represents a constituency where this condition prevails to a larger extent than elsewhere in Canada and, while I do not agree with some of his political views, I do think that he is an honest representative of the conditions in his constituency. Quite frankly, I would be very reluctant to make this departure, because I feel that once it got around that we were starting to hear witnesses on this sort of basis, we would be flooded with applications and we would not be able to do the essential work which the committee has to do.

Mr. HODGSON: We would be flooded with submissions from representatives of every organization in Canada. We would not be able to get through with our work in twelve months.

Mr. PICKERSGILL: I wonder if Mr. Stevens has knowledge of some system of voting which some of us may not approve of?



Mr. HOWARD: That may be, but he is well known on the west coast and other places.

Mr. PICKERSGILL: I do not believe he is a political supporter of the honourable gentleman or of my friends, or of the political friends of the chairman.

Mr. HOWARD: Which, of course, is an inconsequential factor so far as this is concerned. At least, it is to me.

Mr. HODGSON: Labour is going in with the C.C.F. now, and they are going to be one political party. We have a representation from each party now.

The CHAIRMAN: Gentlemen, we must dispose of this matter, and get on to the other items. Does any other member wish to express his views on this subject? I am sure we are all interested in the broadest coverage of views, consistent with the efficient dispatch of our own business. The Chair awaits the pleasure of the committee.

Mr. MANDZIUK: Mr. Chairman, I will go along with Mr. Pickersgill. I think Mr. Howard knows the conditions or circumstances under which fishermen operate. I am sure that it would be more beneficial to hear his views. I think this committee should be limited to knowledge of the different members of the committee. I think his experience and knowledge would be just as beneficial to this committee as that of Mr. Stevens. Mr. Stevens would be talking only from his own experience, and would not be an expert on the matters which concern this committee.

Mr. HOWARD: It was not my thought—and I am sure it is not the thought of Mr. Stevens—that he would deal with the provisions of the act or the economics of proxy voting, the effects it would or would not have, or his experience with it or any other system of voting but, primarily, with a detailed explanation of the fishing industry itself in regard to the seasons for fishing for various species, distances involved, how many people are away from home at this time, and this sort of thing. I am sure that he could acquaint the committee far more than I could with the details of movement of fishermen. In this way it is my feeling that we would appreciate their problems better.

As I say, this, of course, would support my thought—that we should have proxy voting for fishermen, mariners, and people in that class. Following that, we ourselves could discuss the actual economics or the question of proxy voting. However, his talk would only concern an explanation of the industry, the movement, and the time they are away, as well as the distances covered, and the various regions that are open at various times, and so on.

Mr. MONTGOMERY: I would like to ask Mr. Howard this question. If they had proxy voting, from where would they obtain their ballots, if they are out on the ocean? I admit that I do not know too much about it but, I take it, they would be away from land for some time.

Mr. HOWARD: Yes. My thoughts coincide with proxy voting as it exists in Ontario, and I was concerned with the individual who would be away. For instance, the individual fisherman would authorize a close relative—I do not know the ones who are enumerated in the Ontario act—such as his wife, or someone of that nature, to vote for him. She would vote by proxy for him while he was away, the same as corporations do at their annual meetings—they can authorize someone to vote by proxy.

Mr. WEBSTER: How long would they be out from their ports?

Mr. HODGSON: Three weeks.

Mr. WEBSTER: Well, they could take advantage of the advance poll, or the regular poll. They would hit one or the other.

Mr. HOWARD: That is the reason for my suggestion. I thought some statistics might give us a clear picture of how many fishermen would be away.

I know it varies with the area, and with the species of fish, and it varies from time to time with the regulations established by the Department of Fisheries.

Mr. KUCHEREPA: Mr. Chairman, before we get too far off base, I think we had better decide upon the principle raised by Mr. Pickersgill—and that concerns the question as to whether or not we are going to call witnesses. Once we have decided that question, we can decide to what extent we will call witnesses. However, I think that is fundamental, before we get on to a subject which we decided we would not discuss.

Mr. BELL (*Carleton*): Mr. Chairman, the fear that I have is this—if we call a witness concerning conditions on the west coast, we will be confronted with a request with respect to a witness from the east coast, and then from the great lakes. Personally, I would rather that Mr. Howard inform himself fully—as, I am sure, Mr. Pickersgill and Mr. McWilliam will inform themselves in regard to conditions on the east coast—and then we will discuss it in committee.

Mr. CARON: As they have proxy voting in Ontario, could Mr. Castonguay give us some figures as to how many voters took advantage of that in the last election.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): I spoke to the chief electoral officer for Ontario, and he told me they do not keep statistics on the number applied for, the number issued, and the number used.

Mr. HODGSON: Maybe there were not any.

Mr. AIKEN: Mr. Chairman, even if we were, in some cases, to call witnesses, I have made note of the following. In the first place, these gentlemen have no brief prepared to present. In the second place, they are not authorized to speak for any particular group. In the third place, they have not any special knowledge of proxy voting. On those three grounds, I think we would be going away off base in asking them to appear.

The CHAIRMAN: Have you any final comment, Mr. Howard?

Mr. HOWARD: Yes. Those are three assumptions, which are assumptions only.

The CHAIRMAN: If I take the consensus of the meeting correctly, I was wondering, Mr. Howard, because of your special interest in this, if it would be of help to you if this item were taken up at some subsequent time. In the meantime, if this group want to represent their views in a memorandum or a brief, they could do so, and we would have the benefit of it.

As I understand it, there is no urgency in taking up the question of proxy voting this week, or next week. If it is the committee's wish, we could pursue the matter of principle, and deal more formally with this particular item. I am rather anxious that we move on.

Mr. HODGSON: I move that we leave this subject for two weeks, that we call no witnesses, but that the members have the right to bring forth any information they wish in connection with this question of proxy voting.

Mr. HENDERSON: I will second the motion.

Mr. HODGSON: My motion was to the effect that any member of this committee would have the right to bring in a brief, or any information they can, in two weeks' time.

Mr. HOWARD: I did not appreciate fully what you were saying, Mr. Hodgson.

The CHAIRMAN: Could we have your motion again.

Mr. HODGSON: I move that we do not invite anyone from any group or association to our committee, that the subject matter be set over for two



weeks, and in that two weeks any person in the committee can bring in a brief, or any information he wishes in connection with this question of proxy voting.

The CHAIRMAN: Are there any comments on this motion? Are you ready for the question?

Mr. KUCHEREPA: Mr. Chairman, I have one question. Does this motion, in fact, decide upon the principle of whether or not we invite people to come before this committee?

Mr. CARON: It seems pretty clear that he does not want anyone to appear.

Mr. KUCHEREPA: I just wanted to clarify that one point—whether or not this motion states that principle.

Mr. AIKEN: Mr. Chairman, if I may make a comment as well, it is this. I think the motion goes further than I had intended. For example, we might feel inclined to call the chief electoral officer of Ontario. I do not know if that will happen, but this motion would wipe that out. It would seem to me to go rather far.

Mr. CARON: Do we really need a resolution to obtain permission to read a brief which might be sent in? I do not think so. I suggest that we put it over for fifteen days, and then we will deal with it, without any resolution.

The CHAIRMAN: It is your feeling, Mr. Caron, that the motion is unnecessary?

Mr. CARON: Unnecessary.

Mr. MONTGOMERY: I am inclined to think that if there is a motion it should be just to postpone this item for two weeks.

The CHAIRMAN: Are you prepared to amend your motion to that effect?

Mr. HODGSON: Yes.

The CHAIRMAN: Do you agree?

Mr. HENDERSON: Yes.

The CHAIRMAN: The motion would then read—that the question of proxy voting be put over for two weeks. All in favour? Contrary, if any?

The motion is carried.

Mr. Castonguay, the chief electoral officer, was asked to “officer” out the split infinitive in his last draft, and otherwise amend it, on the question of advance polls. He has the revised and a word-perfect draft; it can be distributed at this time. I think it was the committee’s thought that it might be disposed of, in its amended form.

Mr. PICKERSGILL: Mr. Chairman, could I make a suggestion?

The CHAIRMAN: Proceed.

Mr. PICKERSGILL: I would suggest that we defer our decision on this document until five minutes to eleven. In the meantime, some of us might like to run through it and read it. At this time we could proceed with the other business and, if everyone is satisfied with it at five minutes to eleven, we could adopt it.

The chief electoral officer may have one or two comments before we go on.

Mr. CASTONGUAY: We have made a revised draft along the lines suggested by the committee. We incorporated all the suggestions of the committee, in so far as time, days, and hours of voting. However, there was one section, namely 98A, on page 6, on which the committee raised some doubts. It concerned the words which follow 98A(a). We removed all the words after “form No. 66”.



The committee took exception to those words. I discussed it with the Department of Justice, and they agreed. I am referring to the words that were there after "form No. 66"; it read as follows:

As to the cause or necessity of his voting at an advance poll.

Those words have been deleted.

Mr. BELL (*Carleton*): I still take exception to the use of the word "officer" as a verb. If necessary, I am going to raise it in the house. Surely we can use the English language.

Mr. PICKERSGILL: I agree with Mr. Bell.

Mr. AIKEN: Mr. Chairman, before we go on with something else, I would like to say that at the last meeting we considered the revision in urban polling divisions; and I had a second thought in connection with the use of the words "special agent", which I would like to raise at this time. It is in connection with the agent who assisted in revising the list. It was merely the use of the words "special agents"; it might give some of the people who are acquainted with it a rather inflated idea of their duties, due to the fact that the words "special agents" are used to a large extent in connection with the FBI, the CID, the mounted police, and so forth. I seriously raise the question because of the use of the words "special agent", but merely for the opinion of the committee as to whether that objection is valid. They hold the revision of urban holding divisions?

The CHAIRMAN: You are not referring to the document which is just before us now?

Mr. AIKEN: No; I refer to a matter we discussed at the last meeting when the electoral officer submitted his proposed amendment and included additional officials to be known as "special agents".

Mr. PICKERSGILL: I must apologize for raising this question since I was not at the last meeting. But what is the duty of a special agent?

Mr. AIKEN: Perhaps the chief electoral officer might answer you.

Mr. CASTONGUAY: After the enumeration, a pair of special agents would be appointed in each urban revisal district. The function and the powers of the pair of special agents would be these: should it be found that any names were omitted from the list in the original enumeration, then the special agents would seek out those electors who had been missed. For instance, half a street might have been missed: and they would seek them out and have them sign a form, and they would, in turn, I mean these special agents, would present these forms to the revising officer for acceptance or rejection.

Mr. PICKERSGILL: I take it that the special agent would be appointed on the recommendation of representatives of political parties?

Mr. CASTONGUAY: On the same basis as urban enumerators are appointed.

Mr. AIKEN: It was merely the use of the words.

Mr. CASTONGUAY: The words "special agent" bothered me also.

Mr. PICKERSGILL: Could Mr. Aiken suggest a change?

Mr. AIKEN: I have not considered any alternative, but revising agent might be preferable.

Mr. PICKERSGILL: That does not sound too bad.

Mr. AIKEN: We also have revising officers.

Mr. HODGSON: That is really what he would be, a revising agent.

The CHAIRMAN: We shall be coming to this matter again. I wonder if by that time you might have given some thought to it, Mr. Aiken?

Mr. AIKEN: Yes.

The CHAIRMAN: Yes. We moved at the last meeting through the first few sections of the act, some of which were stood over for slight amendment at the suggestion of the committee. The chief electoral officer has these available and ready now.

There was section 5, subsection 2, and section 10, subsection 2. You may distribute them now.

Mr. CARON: Section 5 is to include section 99, I take it?

Mr. CASTONGUAY: Yes.

Mr. CARON: It is the very same wording as 99.

Mr. CASTONGUAY: The Department of Justice said that the best manner in which to proceed was to make 99 a subsection of section 5; it would be subsection 2. The wording of 99 has not been changed in any way; it is the identical wording.

Mr. PICKERSGILL: You would have to have a "one" put in the section?

Mr. CASTONGUAY: Yes, that would be done.

The CHAIRMAN: Have you any other comments?

Mr. CASTONGUAY: Again it was thought by the Department of Justice, and they advised, that the best way to proceed was to break up this sentence by having a subsection 3; but there is no change in the wording, just in the form.

The CHAIRMAN: We gave consideration to the first eleven sections, and when the committee rose we were giving consideration to section 12. Have we any comment on section 12? If not, let us move on to section 13.

Mr. MONTGOMERY: It says that the chief electoral officer—I am reading from the second line—"when requested not later than five days later to declare without request. . . ." from whom would such request come?

Mr. CASTONGUAY: Requests have been made in the past from recognized political organizations in the electoral district, candidates, or any responsible body in the electoral district.

Mr. PICKERSGILL: Could the chief electoral officer say whether this happens very often?

Mr. CASTONGUAY: It happens quite often, when you have an area adjoining a city, and it is a rural area; yet the physical difference is similar, there are still streets and houses, like suburbia. It is rural, but it is from its nature, for the purposes of electoral matters, really urban. So requests are made, that such an area be declared as urban.

Mr. PICKERSGILL: Quite.

The CHAIRMAN: Are there any other comments on section 13?

Mr. AIKEN: This is a big question, but under subsection 3 of section 13, I recall that during the last election there were some difficulties in connection with postage. I must confess that I cannot get the exact words, but some of the material which was sent in had to have postage paid on it, while some did not. I wonder if the chief electoral officer could help me on that? I remember receiving complaints from election officials that there was some of their material on which they had to put postage.

Mr. CASTONGUAY: I believe that such material would be enumeration material in the rural areas, and that the rural enumerators have to affix postage to the lists that they send in to the returning officer; however, they are reimbursed for this.

Mr. AIKEN: That may have been the difficulty.



Mr. CASTONGUAY: I believe that would be the only difficulty, because the only other material that election officers send in—would be from the deputy returning officers—they return their ballot boxes sometimes by registered mail, but they go through the mail post free.

Mr. CARON: Could it not be arranged that everything should go post free?

Mr. CASTONGUAY: It would certainly simplify our operation a great deal, but the post office department would like some additional revenue in this way. I think this particular problem is with respect to material sent from subordinate election officers to the returning officers, not from the election officers to me; it is from the constituency level to the returning officer.

Mr. AIKEN: I believe in some cases the material was sent without postage on it, and it had to be put aside; there was some delay in the receipt of this material; it went in under postage required, and it was held in the office rather than delivered in one or two instances.

Mr. CASTONGUAY: That is bound to happen in this particular crash operation that we perform during an election. But the post office does give us wonderful service. However there are bound to be a few delays; but on the whole the post office has rendered wonderful service to the electoral machinery.

Mr. PICKERSGILL: I believe the problem could be met very easily by the chief electoral officer, if the officials were able to send it all without postage, whereupon there would have to be double postage paid, and the post office would get double the revenue.

Mr. CASTONGUAY: We have no serious problems.

The CHAIRMAN: Is there anything further on this item? If not, let us move on to section 14, qualifications of the electors.

Mr. HOWARD: There are one or two things I want to express. The first one is about the age of the voter, which is now 21 years in 14(1)(d). I think the committee should give some consideration to reducing the qualified age of a voter from 21 to 18; or for argument's sake, to 19. It is not of too much importance, and I am not married to one age or the other.

In the two western provinces of British Columbia and Alberta it is 19, while in Saskatchewan it is 18.

There are reasons for lowering it which are pretty well known. I do not think I need to express them here. I think as a general suggestion we should give consideration to lowering that voting age from 21; and I took an arbitrary figure of 18 in order to promote some discussion around it.

We generally accept the fact that people of 18 or 19 years of age, under normal circumstances, are in somewhat the same category as a person is when he is 21. There have been quite a few walks in life in which people over 21 happen to serve, such as the armed forces and the R.C.M. Police, and many other businesses; they are out of school in many cases and so on; and in the way of a general argument I think we should lower it to 18. But without any formal motion I merely put the suggestion before you to see what happens.

The CHAIRMAN: Are there any comments on this aspect of this section?

Mr. MONTGOMERY: In my area I have heard it discussed, and there does not seem to be any request or demand for it from these young people. Maybe it is because they feel that if they requested the privilege of voting they would be required to pay more taxes. I do not know. I do not have anything against it personally, but I wonder if we are inviting something which is going to be only partly appreciated, or wanted. We have the ordinary law under which a man, until he is 21, is not held responsible in civil contracts, or civil matters, and to some extent voting is a civil matter.



I think we could give it some consideration. It might be that if there seems to be a demand for it, I would be in favour of it; but if there was not, I wonder if we would not be projecting something into the Elections Act which would make considerably more work and not necessarily be wanted. I just raise the thought.

Mr. AIKEN: Mr. Howard has raised a very interesting point. I have no doubt that there are quite a number of young people, as young as 18, who become quite interested in political matters and who have a very keen interest and knowledge; but I am not sure that that could be decided as a general opinion. I have had a few representations from people in young service organizations that they be given the vote, and certainly it has merit. I am not sure that it is the general feeling that people under 21 should have the vote. Certainly what Mr. Montgomery has said concerning the province of Ontario is correct; they are not of legal age to enter into contracts or other civil matters until they are 21.

Mr. BELL (*Carleton*): In this province where the age has been lowered, has action been taken concurrently to remove the special status which persons under 21 enjoy by way of protection from their contracts and civil obligations?

Mr. HOWARD: I do not know about Alberta or Saskatchewan, but I think it has not occurred in British Columbia; it was just the lowering of the voting out there to 19.

Mr. BELL (*Carleton*): They continue to enjoy their special status under contracts?

Mr. HOWARD: So far as I know; the only change was made in respect to their age; and I might point out that I found too there may be more suggestions listed in the committee proceedings of last year where at page 52, on Monday, June 1, there was one from Bernard J. Lanigan from The Pas, Manitoba in a letter to the Prime Minister suggesting that the age of voters be reduced to 18; and the other is from Mr. Charland Prud'homme, clerk of the Manitoba legislative assembly, to the Secretary of State.

The only indication here is to lower the voting age. I do not know to what extent, or whether there was any action taken by the legislative assembly; it might have been a resolution of the Manitoba legislature. I suppose it would be possible to discover that from the record. There may be others in here. I have just run through them quickly.

The CHAIRMAN: There are only two in the committee records relating to this subject, and they are the ones to which you have referred. I believe the voting age provincially in Manitoba is 21.

Mr. HOWARD: Yes, it was the last time I looked it up.

Mr. KUCHEREPA: Would you read that letter from Manitoba, the representations made by the clerk in Manitoba?

The CHAIRMAN: It is a resolution from the clerk, and it reads as follows:

Resolved that in the opinion of this house the federal government and the government of Manitoba should jointly consider the advisability of lowering the age and qualifications of persons voting in federal and provincial elections.

This resolution was agreed to in the legislature of Manitoba on Friday, March 28, 1958, on the motion of Mr. Hawryluk, as amended on the motion of Mr. Burch.

Mr. AIKEN: Was this resolution carried?

The CHAIRMAN: It was carried with an amendment, as I understand, moved by Mr. Hawryluk, on motion of Mr. Burch, but our committee records do not show the amendment. I suppose it is included in this resolution.

Mr. HODGSON: We only have two provinces which adopted the younger age, or are there three?

The CHAIRMAN: The three western provinces, I believe.

Mr. MONTGOMERY: Might I ask Mr. Howard if, from his own experience, could he tell us how these young men and young women of that age—do they take more interest? Do they get out and vote better than older classes?

Mr. HOWARD: This was only from a very brief discussion I had with Mr. Fred Hurley, the chief electoral officer of British Columbia, and from assessments given to him by returning officers in the various provincial electoral districts. I would not say there was overwhelming and spontaneous enthusiasm from everybody over 19 years of age to 21, that they rushed out to vote; but his thought was that activity in that age group was more desirable; while the people in the older age groups—some did and some did not think it was so desirable.

Mr. KUCHEREPA: Has Mr. Castonguay any remarks to make on the subject, from the reports he may have received?

Mr. CASTONGUAY: I have no information sent to me or given to me.

Mr. PICKERSGILL: I personally have a very mild bias against it, but it is based purely on personal experience. I belonged to a family which was traditionally and very ardently Conservative and, if I had had the vote at the age of 18, I would have made one of the greatest mistakes of my life.

Mr. MANDZIUK: And he did not know any better when he reached 21.

Mr. PICKERSGILL: When I reached 21 I had reached a different conclusion. But, I suspect—and I would not have intruded these personal reminiscences, if it were not my thought—but I suspect that is the experience of a great many young people. In those years between 18 and 21, when a lot of them are forming their ideas of the world, they really have not yet reached considered opinions about a lot of these matters. I do not think the world will come to an end if we do not do something about it at this time. Until people have had an opportunity to give these matters a little more reflection, I think it would be desirable to leave it alone.

Mr. HENDERSON: I do not agree with you at all. I was just as much a pronounced Conservative when I was 18 as when I was 21, 31, or 51.

Mr. PICKERSGILL: But, of course, we have varying capacities to learn, Mr. Chairman.

The CHAIRMAN: When I heard Mr. Pickersgill's confession I thought how profound was that comment, that the little child shall lead them!

Mr. MANDZIUK: Mr. Howard just threw this on to the committee. There is no motion. However, I think it has been a very interesting discussion.

I personally feel that there are hundreds of teachers under 21 years of age, who mould the characters and lives of the younger generation. They teach social studies, and they perform the duties of adults. It stands to reason that sooner or later the voting age should be lowered. Probably it is premature to make any decision at this stage. Nevertheless, I appreciate the fact that Mr. Howard raised the question. I would be inclined to agree to the lowering of the voting age. I, as well, do not expect any more rush or enthusiasm by these young people to the polls than by those who are of mature age. However, we have thousands of people in responsible positions. We have them in finance; we have them in offices, and they are mature through experience.



I would lower it to 18, but I think it is premature for us to make any recommendation as a committee. However, I think it should be kept in mind that sooner or later consideration will have to be given to this subject.

Mr. Bell, I do not think that lowering the voting age would conflict with the law, as it stands. I am referring to protection under civil law and to contracts entered into under the age of 21. I do not think that would have to be amended.

Mr. BELL (*Carleton*): I am not suggesting for a moment that has to be changed or amended, but surely the very factors which have caused legislatures generally to say that persons under the age of 21 years require some extra protection on their contracts is a factor which ought to be taken into consideration when you come to the matter of voting age. If you put them under a disability for contractual purposes, then the very factors that led you to do so might lead you to the conclusion that this other voting disability might as well continue.

Mr. MANDZIUK: Why do you not put them under disability in so far as working in certain professions? I have teaching in mind. We have thousands of them coming out of colleges at the age of 18 years. That is the age at which they are qualified, provided they have the academic background.

Mr. HODGSON: Eighteen is about the age when they get their senior matriculation out of high school.

Mr. MANDZIUK: I think the present day individual is further advanced mentally and academically than those of past generations.

Mr. PICKERSGILL: I wonder if Mr. Mandziuk could tell us the age at which one can be admitted to the bar in his province.

Mr. MANDZIUK: Twenty-one. However, all our teachers are brought into the teaching profession at the age of 18.

Mr. WEBSTER: At what age do they finish school?

Mr. MANDZIUK: It does not matter; but they cannot teach unless they are 18.

Mr. MONTGOMERY: Do the members of the armed and regular forces under the age of 21 have a vote? I know they did in the active service.

Mr. CASTONGUAY: At the present time, as long as the members of the armed forces are on active service, any member of the Canadian forces can vote at any age. This may be changed, and then they would fall into the normal age of 21. But, at present, the armed forces are all on active service and, as a result, any member of the forces can vote, irrespective of age.

Mr. MANDZIUK: Mind you, I would not be prepared to vote in favour of lowering the age at this time. However, you know that other nations in Europe have lowered the voting age. I am glad this discussion took place, as it will boil finally into something in the future.

The CHAIRMAN: You support the subsection, as it stands?

Mr. MANDZIUK: Yes. I think it is premature to try to lower it right now, when the country has not had an opportunity of expressing its opinion.

Mr. ORMISTON: Mr. Chairman, as a resident of a province, where the voting age is 18, I feel there is an appreciation by these 18-year-olds, but I do not think there is any more enthusiasm for voting than among any other group.

Mr. MONTGOMERY: And then there is this point: people in civilian life might feel they are not being treated in the same manner as those in the armed services, when the voting age there is 18.

Mr. HENDERSON: It is the young people who get the vote out where I come from.



Mr. MONTGOMERY: Mr. Chairman, it may be that we could give it some consideration.

Mr. HOWARD: Mr. Chairman, if I may make a brief comment, I would say that almost everyone who has spoken so far in this discussion has been in favour of lowering it to 18. Almost everyone has said that it is generally a good idea, and advanced reasons for so doing. Mr. Mandziuk, particularly, spoke with reference to teachers, and Mr. Montgomery, with respect to the armed forces presently on active duty. These are substantially the reasons that were given in the British Columbia legislature, when I was there as a member, at which time the voting age was lowered to 19. I believe this was in the year 1954—although I may be mistaken on the year. I believe it was 1954 or, perhaps 1953. In any event, these were substantially the reasons that were given at that time—that because of the probable advances or greater emphasis on educational facilities, and the greater opportunity for employment, younger people found themselves in society and holding various positions in the working world earlier than they did a few years ago. They came in contact with society sooner. There was the additional point, that in allowing persons of a younger age to participate in voting, it drew them at an earlier age into contact with political matters of the country in a more direct way. To me, the argument of being premature has not too much validity, or does not carry too much weight.

If you were in agreement—and I think we are—that generally it should be lowered, then it should be lowered, period. There will be ample time between now and whenever the next federal election is called, whether it be this next year or the following year, or the year after that, for this information to become public knowledge. In this way the country would be prepared for it.

As I say, I initially refrained from moving a formal motion. I merely injected the idea. However, as almost every person who has spoken so far favours the idea, I think it is incumbent upon me now to move that it be lowered from the age of 21 to the age of 18.

The CHAIRMAN: You are making that motion at this time?

Mr. HOWARD: Yes, I think so.

The CHAIRMAN: You are making the motion that in place of "21" there be written "18" in subsection (a)?

Mr. HOWARD: Yes, (a) of section 14(1).

The CHAIRMAN: Is there a seconder?

Mr. HOWARD: I think you would have a problem in securing a seconder.

Mr. CARON: I will second the motion.

Mr. HOWARD: This raises another question. On a question of order, is it necessary in committee to have a seconder for a motion?

The CHAIRMAN: I think so.

Mr. HOWARD: It is not in committee of the whole or supply, or ways and means, in the house. In any event, that is another matter.

Mr. PICKERSGILL: It does not arise, because you have a seconder.

Mr. CARON: I will second it.

The CHAIRMAN: I hope you heard the motion, gentlemen. Is there any further discussion?

Mr. AIKEN: Mr. Chairman, we have had a smattering of opinions, and I feel they were all offhand opinions.

In connection with Mr. Mandziuk's use of the word "premature", I understood him to mean it was premature in time, as far as we were concerned. I personally really do not feel that 10 years from now the people of 18 will be

any smarter than they are now. However, I really do not know. But, I think, as far as his word "premature" is concerned, it is premature for us to come to a decision in connection with it right at this time.

Mr. MANDZIUK: That is right, Mr. Chairman.

Mr. AIKEN: We have thought about it for a few minutes, and everyone has said what came into his mind. I do not think there was any considered opinion at all on this particular problem.

I do think it would be premature to have a vote on it at this moment. I think it would be unfair because, if there is merit in the idea, and the committee members wanted to give some serious consideration to it, perhaps they would vote against it right now, without having any intention of ultimately voting against it—just merely because it is a very substantial change. I do not think we should decide for or against it at this time.

The CHAIRMAN: Do you want to defer consideration?

Mr. AIKEN: I think it should be deferred until some time later.

Mr. HOWARD: If the seconder consents, it may be allowed to stand. We then could give consideration to it and, perhaps at a later date, come back and give, what we consider, as a considered opinion.

Mr. HODGSON: I think this same thought is shared by several provinces in the whole of Canada, and there might be quite a change in provinces before our general election, or there might be a change in provinces after our general election. However, until such time as the majority of provinces decide on lowering the age, I think it would be well for us to stay with the age of 21.

Mr. PICKERSGILL: Do you think, Mr. Hodgson, that there should be a majority of the provinces, or a majority of the population of Canada?

Mr. HODGSON: One or the other; it does not matter much. I think we would be well advised to follow them.

The CHAIRMAN: Gentlemen, it has been suggested that the motion be deferred, and that the matter be left on that great future shelf, where so many things are filed. Some suggest we should dispose of it now. However, we have to move rapidly in one of these directions.

Mr. AIKEN: I would move that this motion be deferred—

Mr. MANDZIUK: I will second the motion.

Mr. AIKEN: —to be brought up again before the committee has concluded its sittings.

The CHAIRMAN: You are moving a deferral amendment to the motion.

Mr. AIKEN: Of Mr. Howard's.

The CHAIRMAN: Are we all agreed?

Mr. MANDZIUK: I will second the motion.

The CHAIRMAN: Can we all agree on this procedure and also on what the procedure is?

Shall we move to subsection (b)?

Mr. CARON: Is it accepted that it be deferred?

The CHAIRMAN: Yes. I see no interpretation but that this subsection (a) stand for further consideration at a future date—this busy future of ours.

Are there any questions on (b)?

Mr. CARON: Yes. What is the definition of "British subject"? What does it imply?

Mr. CASTONGUAY: This clause (b) was amended in 1955, to bring in the words "Canadian citizen". It was to cover those people in Canada who were British subjects but not Canadian citizens.

Mr. CARON: What is the definition of a British subject?

Mr. CASTONGUAY: It is defined here.

Mr. CARON: Is it anyone from England, New Zealand, or any part of the commonwealth?

Mr. CASTONGUAY: From any part of the commonwealth.

Mr. HOWARD: And specifically including Ireland.

Mr. PICKERSGILL: It does include citizens of Ireland.

Mr. CARON: Yes, southern and northern Ireland.

Mr. BELL (*Carleton*): Both?

Mr. CARON: Yes.

Mr. CASTONGUAY: It is governed by the provisions of the Citizenship Act.

Mr. CARON: Do Canadians have the right to vote after a certain time, say twelve months in any of the commonwealth countries?

Mr. CASTONGUAY: It varies. Some require a year's residence.

Mr. CARON: After they have fulfilled certain requirements for time, do Canadian subjects have the same right to vote in other countries?

Mr. CASTONGUAY: I have studied several of the commonwealth electoral acts, and the same right is given in many of these countries. If the committee wishes the information I could obtain it.

Mr. CARON: If they have the same right as a British subject, would the Canadian subject be considered as a British subject?

Mr. CASTONGUAY: Yes, a Canadian citizen is a British subject. However, I have not studied the laws of all the commonwealth countries to that extent, but most of them require that an elector be a British subject and a "Canadian citizen" is a "British subject", and he would vote under the qualification of being a British subject—and they do not exclude a Canadian or Australian citizen. They mention that a person who has the right to vote must meet the residence qualifications, and be a British subject. In all my studies I have never noticed the exclusion of any member of the commonwealth.

Mr. CARON: The fact that you have not noticed an exclusion does not mean there is an inclusion.

Mr. CASTONGUAY: I think a Canadian citizen, living in Australia, who has met the qualifications as a British subject, would be entitled to vote, if he meets the other qualifications.

Mr. CARON: Could we have some legal opinion on this, and stand the paragraph for the time being? Could we have some information on the stand of a Canadian subject in South Africa or in New Zealand—or, according to the expression "British subject".

Mr. CASTONGUAY: I could only obtain it by writing to the various commonwealth countries. If the committee wishes this, I will do so, but it will take some time.

Mr. PICKERSGILL: Would it not be possible to get that information in a much simpler way? We have in the library the statutes containing the Election Act and the Citizenship Act, where they have them, of these various countries. I am sure if someone could spare a little time this information could be obtained in the Justice library. I do not think it would be a very difficult undertaking, and we would understand the meaning of it.

Mr. Aiken: I am not clear on Mr. Caron's point. Is it that he wants to be assured that the same privileges are given to Canadian citizens in other commonwealth countries?

Mr. CARON: That is right. If we have not, why should we give? If we have, I am satisfied that they have too.



Mr. PICKERSGILL: I would be equally interested in the United Kingdom statute. However, I am sure that it does not say that you have to be a citizen of the United Kingdom. I know a little of this from my previous position. I know that a Canadian citizen is a British subject in the United Kingdom. They fully recognize them. They recognize anyone who is made a Canadian citizen by the Canadian Citizenship Act as a British subject in the United Kingdom, even though he is a person who would not necessarily have qualified if he had done his evidence in the United Kingdom.

Mr. CARON: This is given in their citizenship act.

Mr. PICKERSGILL: Yes, which is copied from ours.

Mr. MANDZIUK: Did you draft it?

Mr. PICKERSGILL: No; Paul Martin did.

Mr. BELL (*Carleton*): Does that not dispose of it?

Mr. PICKERSGILL: I am no authority on the election act in the United Kingdom, but I know something about their citizenship act. I think it would be rather interesting. I think we should stand this over until the next meeting. I think it would be interesting to get that information, because this is the kind of matter which arises.

Mr. CARON: We could allow it to stand until we come back to the matter of age, which is on the same page. I did not want to make a big point of that; it is just that I wanted to know.

The CHAIRMAN: We will let it stand for future consideration and, in the meantime Mr. Castonguay can obtain some information concerning it.

Subsection (c) is next.

Mr. AIKEN: This already has been amended.

Mr. CARON: This concerns the wives of soldiers coming back to Canada. I think it has been cleared up in some other manner.

Mr. CASTONGUAY: Not only for the wives, but all Canadian citizens returning to Canada after an absence. It has been approved and amended.

The CHAIRMAN: (d) is next.

Mr. PICKERSGILL: Mr. Chairman, I have a question. This person must be an ordinary resident until polling day. Should that not be the day of enumeration? Who is really going to determine whether you lived there for the five weeks between the date of the enumeration and polling day?

Mr. CASTONGUAY: This particular clause was put in to allow only electors who live in electoral district on polling day to vote. Under the general election procedure, the principle is that a person can only vote where he is ordinarily resident on the date of the issue of the writ. This is the basic principle. But then, if that elector should happen to move to an adjoining or another electoral district, the only place he can vote at a general election is where he was ordinarily resident on the date of the issuance of the writ. This particular clause was put in in order to protect the following principle. At that time the committee felt that if people moved out of the constituency and gave up their place of ordinary residence at a by-election, they did not want them to have the right to vote on polling day at a by election held in that constituency.

Mr. PICKERSGILL: If an elector is there on the date of the issue of the writ and therefore gets his name on the list and three weeks later moves, and the election is not until six weeks later, what conceivable way is there of determining this? It seems it is putting an unnecessary burden on the election officers.

The CHAIRMAN: Is there any further comment?

Mr. BELL (*Carleton*): When was this section put in?

Mr. CASTONGUAY: I do not know the exact date. It has been there as long as I can recall. I see no objection, if the committee wishes to change the principle; but I do not think it should be harnessed to the time of the enumeration.

Mr. PICKERSGILL: No. The normal rule is for a general election.

Mr. BELL (*Carleton*): You would simply delete the section.

Mr. CASTONGUAY: Yes. It would no longer be a requirement that the elector on polling day must have continued to reside in the same electoral district.

Mr. PICKERSGILL: What I am concerned about is the impossibility of enforcement. I think we should try to make the act uniformly and generally enforceable in respect of everybody. Suppose the enumeration was in April and an elector left at the end of May. Quite a few people may be moving out and a few of them prohibited from voting. There is no simple and obvious way of enforcing it. For all the difference it would make I think it would be better to have the same law apply at a byelection.

Mr. AIKEN: Might I ask if there is any special regard given in by-elections to the provision that they must be continually ordinarily resident to be able to vote.

Mr. CASTONGUAY: No. I do not know how in a practical way you can do this. The only way it is enforceable is by the officers at the polls and the agents of the candidates. In some cases they are aware of persons who have given up their ordinary place of residence, and should these people present themselves to vote they are challenged and asked to take an oath that they are ordinarily resident and have continued to reside in that polling district until polling day.

Mr. PICKERSGILL: He has to be challenged.

Mr. CASTONGUAY: Yes. Some might slip through. I agree that this is not too practical from the point of view of enforcement.

Mr. BELL (*Carleton*): Surely the enforcement of this is no more difficult than any of the other sections. Your only procedure of enforcement is a challenge followed by an oath.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): It is no more difficult to enforce that than it is to enforce the provision in respect of Canadian citizenship or a British subject. A person is challenged and must take the oath. I see no difficulty actually in enforcing this. I am not clear in my own mind as to the principle as to whether a person who has left an electoral district should in a byelection have a right to vote. I am inclined to think there is merit in retaining this, and that a person who has left the electoral district ought not to have the right in a by-election to elect a member.

Mr. PICKERSGILL: I think Mr. Bell has a point. I am not pressing this, but raise it simply because it did not seem to me that there is any easy way of enforcing it almost automatically. When the enumerators go around, if the person is resident he is resident and it is known at that time; but there is no way of knowing how many people may have moved out in between. It is not a good thing to have some people treated one way and some another way. Mr. Bell has given the argument that if you have moved out of the electoral district why should you have a vote. In a general election I think the law is very sensible. In the election of 1935 I lived in South Centre Winnipeg, when the writs were issued and in South Winnipeg on the polling day, and I voted in South Centre Winnipeg. The election was held on October 14. If they are going to move, most people move on October 1. In this case I did not lose my vote because the law is as it is.

Mr. CARON: Can we delete subsection (d) completely and go to the general practice of the issue of the writ, even for a by-election.

Mr. CASTONGUAY: I did not get the question.

Mr. CARON: In the general law a person has the right to vote when residing in a district on the day of the issuance of the writ. They have up until polling day. If we just cancelled this it would be as for the general election. If they are there on the day of the issuance of the writ they have the right to vote, and if not they do not have.

Mr. CASTONGUAY: Mr. Bell clearly stated the principle as to why clause (e) is in the act. If people move and cease to reside in the district before polling day it is considered they should not be permitted to vote. That is why the principle is there. If the committee wishes to change the principle it is just a question of deleting it.

Mr. CARON: Mr. Bell said why not delete it.

Mr. BELL (*Carleton*): No. I said that would achieve Mr. Pickersgill's purpose. I was not recommending it.

Mr. PICKERSGILL: I do not feel too strongly about this. I have raised the problem and there are two sides to it.

Mr. BELL (*Carleton*): Let us leave it.

The CHAIRMAN: Is that agreeable?

Agreed.

The CHAIRMAN: We have given our consideration to one section today. We have stood several subsections. Roughly we have about 104 more to do before we complete the election act.

Since it is nearly time for the curtain, I wonder if we might come back and consider the amendments to the Canada Elections Act. These are the amendments that Mr. Castonguay has prepared at the direction of the committee at the last meeting. It might expedite matters if we now go back and approve of the sections as amended. There is section 5 and section 10.

## AMENDMENTS TO THE CANADA ELECTIONS ACT

Section 5 of the said Act is amended by adding the following subsection:

"(2) If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate ex officio revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent; but in the exercise of this discretion no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll."

Miscalculation, mistake or emergency.



Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor:

Attendance at office by returning officer and election clerk.

"(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's office during the hours that the polls are open.

Returning officer or election clerk may not act at any polling station.

(3) No returning officer or election clerk shall act as deputy returning officer or poll clerk at any polling station."

Mr. BELL (*Carleton*): I still reserve my opinion in relation to subsection 6 of 94.

The CHAIRMAN: We will go into that when we come to the discussion on the advance poll.

Mr. PICKERSGILL: Since I was not here might I be permitted to ask, in respect of subsection 2 of section 10, just what the significance of it is?

Mr. AIKEN: It is just grammatically changed.

Mr. PICKERSGILL: The wording is:

Either the returning officer or the election clerk will remain continuously on duty in the returning officer's office during the hours that the polls are open.

Mr. CASTONGUAY: There is no change in the substance to this provision. The committee thought it should be redrafted. There is no change in substance to the section as it existed previously.

Mr. PICKERSGILL: Is this just to enable them to go to the bathroom, or is there something more to it?

Mr. CASTONGUAY: There is nothing more to it.

The CHAIRMAN: Is there anything further? May I take it that we agree to these amendments?

Agreed.

The CHAIRMAN: We have given our approval to sections 10 and 5. That adds considerably to our accomplishments.

In the amendments to the Canada Elections Act, I may say for Mr. Bell's benefit I have done a little research into the meaning of the word "officer" as a verb. I have found in a reputable dictionary it says this:

Officer—1. To furnish with officers; to appoint officers over.

2. To command or direct as an officer.

3. To command or direct; to conduct; manage.

Mr. BELL (*Carleton*): Which is the reputable dictionary?

The CHAIRMAN: I think it is the fairly well known work, "Oxford". However, this is not to project my view on the linguistic purity or otherwise of this.

Mr. PICKERSGILL: There is one point I happened to notice. Two-thirds of the way down the page there are special agents referred to there.

The CHAIRMAN: Is there anything on the amendments to the Canada Elections Act? Does this document represent the thinking of the committee? What is your pleasure?

Mr. PICKERSGILL: It is agreed, with faint reservations.

The CHAIRMAN: Mr. Bell, are you prepared to go along?

Mr. BELL (*Carleton*): No. I dissent in relation to that subsection.

The CHAIRMAN: Do we agree, on division?

Agreed, on division.

The CHAIRMAN: Thank you, Mr. Castonguay, for your work on this.

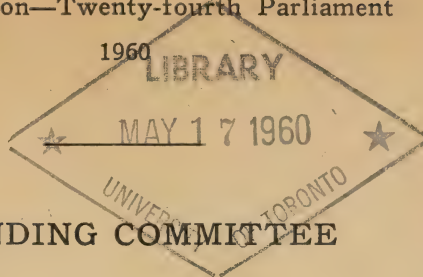
The next meeting is on Thursday at the same hour.





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament



STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

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THURSDAY, MAY 5, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, May 5, 1960.  
(9)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Barrington, Bell (*Carleton*), Caron, Godin, Hodgson, Howard, Kucherepa, Macquarrie, Mandziuk, McGee, Meunier, Montgomery, Ormiston, Pickersgill and Richard (*Ottawa East*).—(16)

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Assistant Chief Electoral Officer.

The Committee resumed its detailed consideration of the Canada Elections Act.

### *On Section 14:*

The witness supplied information, respecting the right to vote extended to Canadian Citizens by other Commonwealth countries, as requested at the last meeting.

Paragraph (b) of Subsection (1) was adopted.

Subsections (2), (3), (5), (6) and (7) were adopted.

(*Note:* Subsections (2) (e) and (4) were deleted by Act of Parliament on March 31, 1960).

### *On Section 15:*

On motion of Mr. Pickersgill, seconded by Mr. Hodgson,

*Resolved*,—That the Section be allowed to stand.

### *On Section 16:*

Subsections (1) to (3), (5), 6, and (8)-(15) were adopted.

Subsection (4) and (7) were allowed to stand.

Section 17 was approved, subject to review of the provision for *Special Agents* suggested at an earlier meeting.

At 11.00 a.m. the Committee adjourned until 9.30 a.m., Tuesday, May 10, 1960.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, May 5, 1960.

The CHAIRMAN: Come to order, please.

At the last meeting Mr. Caron had a question on paragraph (b) of subsection (1) of section 14. Mr. Castonguay has done some research on that, and I will ask him now to speak further to Mr. Caron's question.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): I have examined the statutes of the United Kingdom, Australia and New Zealand, and have also checked with the offices of the High Commissioners here, to see if this information is up-to-date, and they said it is.

I would like to quote from the Representation of the People Act of the United Kingdom, section 1 (2):

The persons entitled to vote as electors at a parliamentary election in any constituency shall be those resident there on the qualifying date who, on that date and on the date of the poll, are British subjects of full age and not subject to any legal incapacity to vote:

Provided that a person shall not be entitled to vote as an elector in any constituency unless registered there in the register of parliamentary electors to be used at the election nor, at a general election, to vote as an elector in more than one constituency.

The qualifying date differs in Great Britain and Northern Ireland. Subsection (3) reads:

The qualifying date for parliamentary elections shall be determined by reference to the date fixed for the poll as follows:—

(a) in Great Britain—

(i) where the date fixed for the poll is between the fifteenth day of March and the second day of October in any year, the qualifying date shall be, in England and Wales, the twentieth day of the preceding November and, in Scotland, the first day of the preceding December;

(ii) where the date fixed for the poll is between the first day of October in any year and the sixteenth day of the following March, the qualifying date shall in all parts of Great Britain be the fifteenth day of the preceding June;

(b) in Northern Ireland (subject to the following provisions of this Act)—

(i) where the date fixed for the poll is between the first day of April and the second day of October in any year, the qualifying date shall be the thirty-first day of October in the preceding year.

(ii) where the date fixed for the poll is between the first day of October in any year and the second day of the following April, the qualifying date shall be the thirtieth day of the preceding April.

In the Commonwealth of Australia the requirements of their act are that you must be a British subject and resident in Australia for six months.

In New Zealand it is the same thing, but you must be a resident for at least one year.

Mr. PICKERSGILL: New Zealand is exactly the same as ours?

Mr. CASTONGUAY: Yes.

Mr. PICKERSGILL: And Australia and Great Britain are more liberal than we are?

Mr. CASTONGUAY: Yes, more liberal.

Mr. CARON: Our Canadian subjects are British subjects?

Mr. CASTONGUAY: Yes, our Canadian subjects are British subjects, and would be entitled to vote.

Mr. CARON: Even those who become Canadian subjects by naturalization and not by birth?

Mr. CASTONGUAY: My understanding of the Canadian Citizenship Act is that a Canadian citizen is a British subject and consequently, as such, is entitled to vote in these countries if he meets the residence requirements.

Mr. CARON: As long as we have the same thing, I do not object.

The CHAIRMAN: Thank you, Mr. Castonguay.

Unless I hear any brief prompt 'to the contrary', I will assume the members of the committee are ready to turn to paragraph (a), the question of voting age.

Mr. BELL (*Carleton*): I think we were going to leave that a little while.

An Hon. MEMBER: What about the two weeks?

The CHAIRMAN: That is another matter, to be dealt with in two weeks.

The CHAIRMAN: Paragraph (b) is satisfactory.

We have then, in subsection (1) paragraph (a). Paragraph (a) is deferred. I am sorry, I am somewhat confused in these numbers and letters. We have covered it all except paragraph (a). We now move on to subsection (2).

Mr. PICKERSGILL: I think you have not done paragraphs (c) and (d).

Mr. BELL (*Carleton*): Yes, we have.

The CHAIRMAN: I believe we have.

Mr. PICKERSGILL: I beg your pardon.

Mr. MONTGOMERY: Is that leaving paragraph (d) as it was?

Mr. PICKERSGILL: I beg your pardon.

The CHAIRMAN: Now we turn to subsection (2).

Mr. HOWARD: I have a couple of comments and suggestions to make in respect to subsection (2).

There may have been some valid reason for refusing certain people, or disqualifying certain people from voting at some time in the past, but I do not know that same reasoning exists today.

Perhaps on one of these items Mr. Castonguay will not care to make any comment himself, because it involves him directly; but I do not really see any reason at the moment why we should disqualify the Chief Electoral Officer and the Assistant Chief Electoral Officer from registering and voting on election day. Nor do I, at the moment, see why every judge appointed by the governor in council—under paragraph (d)—should be disqualified from voting.

Perhaps there are some good and sound reasons why these disqualifications should continue to exist in the act, but right off-hand I do not see them.

The returning officer in each electoral district—I would think, yes, there is some reason there, because his vote comes into effect if there is a tie between



any two of the candidates, he then breaking the tie. There should be some provision for breaking the tie, so he, in effect, is not disqualified completely, as Mr. Castonguay, his assistant and the judges are that I mentioned.

Quite frankly, I would like to see paragraphs (a), (b), and (c) of subsection (2) removed from this section of the act, and allow these people to be in the same class as every other citizen.

Mr. CARON: As for the judges, I think they have been placed in a special category because they may be called upon to judge a contestation. In that capacity it is preferable for them to be away from politics completely. If they were consulted I believe they would prefer not to vote.

Mr. AIKEN: Mr. Chairman, I would like to disagree as strongly as I can with Mr. Howard.

I think the section is very wisely put there, to remove any embarrassment or any suggestion that a person might be seeking a vote from a certain person, or that a certain person might be influenced to give a vote one way or another. I think that would be unfair, particularly to judges.

With all due respect, I think the same applies to the Chief Electoral Officer and his assistant, because it would cast a very unfair burden upon them.

The CHAIRMAN: Any other comment on subsection (2)?

Mr. MONTGOMERY: What about paragraph (e), in view of the fact that has been changed?

Mr. CARON: It has been changed.

Mr. PICKERSGILL: It has been deleted already by parliament.

Mr. CASTONGUAY: Yes, as this office consolidation was prepared up to January 1, 1956, and it does not have that amendment.

Mr. HOWARD: In so far as Indians are concerned, I thought I would divide the two things up. I would separate the disqualification of the other groups of people from that of the Indians, because it is a different problem.

If the "judges" and Mr. Castonguay's disqualification have been put out of the way—and, apparently, I understand I do not get much support for that suggestion—even though this paragraph (e) and the other subsection, subsection 4, of this may have been deleted by Parliament and, in effect, do not exist, I would think—and perhaps Mr. Castonguay has this in mind—that in any event, in so far as the Indians voting in federal elections are concerned—this may not be too much of a problem for Indians and not too much confusion arises in those provinces where they vote provincially. But this next federal election we hope will be the first election, federally, where Indians all across Canada will be allowed to vote.

It might assist to give some specific or extra information, through the returning officers—and, perhaps through the Indian Affairs branch—to the various bands as to the process itself and the procedure concerning voting, in order that they may be as fully informed as possible before election day, before the election actually takes place, and eliminate as much as possible the kind of confusion that may exist, because it is something new.

The CHAIRMAN: Mr. Castonguay, I believe you indicated, at a previous meeting, some of your plans for that?

Mr. CASTONGUAY: In so far as the administration and taking the vote of the Indians is concerned, I propose to give instructions to my returning officers to establish polling divisions, to give the same convenience to Indians living on a reserve as to other electors in the electoral district. That may involve establishing polling divisions on the reserve. I will see that my returning officers give the Indians every convenience afforded to the other electors when they vote.

In so far as passing information to Indians is concerned, I think it would be highly improper for my office to be an information division, to instruct Indians on the right way to vote, or any other elector how to vote. I do not mean politically, but even urging them to go out to the poll. In so far as the convenience to Indians to vote is concerned, that is my responsibility, and I will discharge that.

Mr. HOWARD: If you were contacted by the Indian Affairs Branch, to take an example there will be no problem there, if they wanted you to explain the mechanical processes of voting?

Mr. CASTONGUAY: I would cooperate with them 100 per cent, to give whatever information I have in so far as the mechanical side of it is concerned.

Mr. HODGSON: There will be no trouble about that. There will be lots of candidates to show them how to vote.

Mr. AIKEN: Let us not waste our time on this.

The CHAIRMAN: Mr. Howard, do you have something further on one of the paragraphs of sub-section (2)?

Mr. HOWARD: I am not wasting time. I am raising some valid points here or, at least, I think they are.

Under (g)—and this is in the future, some time—we might have a different approach to the treatment of narcotic addicts. Now, if a person is convicted and sentenced to jail he is thereby disqualified. But if, for argument's sake, there were established narcotic addict treatment centres and perhaps a person had been committed there, what would be his position, in so far as the act is concerned at the moment?

Mr. PICKERSGILL: It would not be either a penal institution or an institution for the treatment of mental diseases and, therefore, I would not think it would come within the purview of the act at all.

Mr. HOWARD: Personally, I think he should be in one of those classes that should be disqualified, if that is what he was doing.

Mr. CASTONGUAY: He must be legally restrained of his liberty, not in an institution of that type, but he must be legally restrained of his liberty or deprived of the management of his property. When a man is able to manage his property, then his restriction ceases in a legal manner, so I do not see any particular difficulty with this problem. This is a black and white situation.

Mr. GODIN: What about aged persons who are secluded and locked up in homes for the aged?

Mr. CASTONGUAY: Unless they have been legally deprived of their liberty—if they are in old people's homes—and this has been brought up many times—I say unless these people come under this category, that they have been legally deprived and have been put aside by officials of the old people's homes, these old people are entitled to vote.

Mr. MONTGOMERY: They are never legally committed?

Mr. CASTONGUAY: No, they are never legally committed.

Mr. GODIN: It does not say that, in the sense these people are under the jurisdiction of the administrator of the home for the aged and they are to be behind locked doors because they run away, and they have not liberty of movement. It is not the same thing as legal detention.

Mr. CASTONGUAY: If this is through the action of the administrator of the home, that person has still a right to vote, in my view, and I have ruled so in the past elections. The allegation has been made, that not only the people who have been legally restrained but also people in old people's homes who appear to be senile should not be permitted to vote. I have ruled that solely senility does not deprive such persons to vote.

Mr. HODGSON: In the province of Ontario, where there is a certain number in the aged people's homes, they put a poll at the home. They establish a poll there—or, at least, they did in the last election anyway.

Mr. CASTONGUAY: This was done throughout Canada.

Mr. HODGSON: It was, was it?

Mr. CASTONGUAY: Yes, wherever there is a sufficient number of people in the old people's home to justify a poll, I have instructed my returning officers, for the convenience of old people living in that home, to give them a poll.

Mr. HODGSON: That is the way they did it in my riding. There is only one institution there, and they put a poll in the institution.

Mr. ORMISTON: Is there an arbitrary figure there?

Mr. CASTONGUAY: The arbitrary figure is low. I bear in mind the fact that there is quite a difficulty in getting residents of an old people's home to the poll. It is not only getting them there that is difficult, but dressing them to get them to the poll.

Whenever there has been representation made I have established an individual poll at old people's homes, as low as twenty, for the residents there. That is because there is not only difficulty in getting the people to the poll, but the people running the home have quite a task to get the people dressed to take them to the poll. There is no figure I will set it at.

Mr. MONTGOMERY: I presume the matron of the home would also be allowed to vote in that poll?

Mr. CASTONGUAY: Yes, if she was ordinarily residing there, but if she maintains another residence she would not be allowed to vote there. If she is living there she would be allowed to.

Mr. MONTGOMERY: That is what I mean.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Can you explain item (e)? Oh, it has been looked after by other means. Do we then regard subsection 2 with approval? Agreed. Are we ready to move on?

Agreed.

Now subsection (3), dealing with, I presume, the Korean war situation.

Mr. PICKERSGILL: This really does not have very much usefulness. It is hard to conceive that anyone served in the armed forces in Korea at the age of 10 or 11.

Mr. CASTONGUAY: This provision is still in force, because members of the armed forces are still considered to be on active service. Anybody who is serving now would come under this provision.

Mr. PICKERSGILL: If you served anywhere?

Mr. CASTONGUAY: That is right; it is considered that the armed forces are still on active service.

The CHAIRMAN: But it refers to 1950.

Mr. CASTONGUAY: This reads as follows:

(3) Notwithstanding anything in this act, any person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian forces and has been discharged from such forces, and who . . . .

This has been in effect since 1950, and it still operates.

Mr. PICKERSGILL: I take it you could enlist in any of the three armed services and get yourself discharged, and within a couple of months, say at the age of 18, you still have a vote?



Mr. CASTONGUAY: Yes, that is right, you have the vote.

Mr. PICKERSGILL: It is an interesting line of speculation.

Mr. MANDZIUK: I do not think it is a matter of getting yourself discharged. There may be cases where the man is discharged for perfectly valid reasons. I think that is what this subsection contemplates, and I think it is a good thing.

Mr. PICKERSGILL: I am not objecting to it at all.

Mr. MONTGOMERY: Is there any need to retain that section in view of the active service vote?

Mr. CASTONGUAY: Yes. If you wish to retain the principle in this particular subsection, then anyone who has served with the armed forces since September, 1950, and has been discharged, while the forces are on active service, is entitled to vote still as a civilian.

Mr. PICKERSGILL: Everybody who is serving in the active forces—does this apply to the reserves?

Mr. CASTONGUAY: This does not apply to the reserves.

Mr. PICKERSGILL: Once you enlist in the armed forces regardless of what your age may be, you have the vote from then on unless you get into jail or become the chief electoral officer.

Mr. MONTGOMERY: Even though they have been discharged for misconduct?

Mr. CASTONGUAY: That is correct; he can still vote.

Mr. MONTGOMERY: I am not too sure that I like that principle.

Mr. PICKERSGILL: I think there are two sides to it as I suggested earlier; but speaking personally, I would be very reluctant to change it.

Mr. MONTGOMERY: A man serving actively, yes; but if he has been discharged honourably or otherwise, does he not then become a civilian, and should he not be governed by civilian regulations or laws?

Mr. CASTONGUAY: I think the confusion arises from the fact that at present the armed forces are considered to be on active service; but this situation may be changed due to world conditions. If it were considered that the armed forces were not to be placed on active service, then anyone in the armed forces may not vote until he is 21 years of age; but as long as we have the armed forces considered as being on active service, then this section operates.

Mr. MONTGOMERY: You are creating a special class of voters, those who have been on the active service and have been discharged. I think we are creating a special class and I am not too sure that it is a good idea. I do not know what the other members of the committee may think about it.

Mr. ORMISTON: You still have voters in the active service now.

Mr. MONTGOMERY: Yes, but those men in the active service now are on active service; but suppose in July the Department of National Defence should declare that they are not on active service. Will they gain the vote until they are 21? And if a man got his discharge at the end of June, would he have the vote if he were only 17?

Mr. ORMISTON: Yes, but if he should go home, and if the people there should refuse him the right to vote, then what?

Mr. BARRINGTON: If he is old enough to fight, then he is old enough to vote.

Mr. AIKEN: I think the principle that has been decided is right.

Mr. PICKERSGILL: I agree. I do not think we want to be taking votes away from people.

The CHAIRMAN: Is it agreed?

Agreed.

Well, I still wonder what is the value of that date in the subsection.

Mr. PICKERSGILL: I am sure it has no value whatsoever. They probably put some value on it when it was placed there, but obviously anyone, who enlisted before September 9, 1950, and who may subsequently have been discharged from the forces, would be over the age of 21; so it would not be of any benefit to him anyway.

Mr. BELL (*Carleton*): The draftsman should fix up that section anyway.

Mr. CASTONGUAY: I think the date was put in as a result of the Korean conflict.

Mr. PICKERSGILL: I think it should be taken out, because it serves no useful purpose any longer.

Mr. MONTGOMERY: I think it would be very confusing.

The CHAIRMAN: What is that?

Mr. MONTGOMERY: There are quite a few people in this country not yet 19 who have been in the active forces and have been discharged, and they are now civilians, to all intents and purposes. And there may be a lot of argument around some of the polls. Some people may say: you are out of the army now, why should you have the vote? That is the reason we should reconsider that other section and give everybody the vote at 18.

Mr. MCGEE: Certainly in other areas of government activity privileges are extended to veterans which are not extended to non-veterans.

Mr. MONTGOMERY: Yes, but if the Department of National Defence should declare that the force is not on active service, then even a man in the active service does not have the vote until he is 21 years of age.

Mr. HODGSON: He is not altogether a civilian yet, because veterans under 21, aged 19 or 20, have priority on federal jobs.

Mr. PICKERSGILL: Not unless the veteran served in a theatre of war. I do not think there are any 19 year old veterans at the present time who have any preference in the services. They would not be 19 now, unless they were able to retard their growth.

Mr. HODGSON: A lot of boys got into the army at the age of 16 or 17.

Mr. PICKERSGILL: Yes, but they have not had a chance to take part in any war, not in the last two years.

The CHAIRMAN: With particular reference to this subsection, is there any further comment on subsection (3)?

Mr. MONTGOMERY: I move that we recommend that the subsection be struck out, and I think we will get the opinion of the committee quickly to that effect.

The CHAIRMAN: You move the deletion of subsection 3 of section 14? Is there a seconder? Oh, it is not seconded.

Mr. MONTGOMERY: Very well.

Mr. BELL (*Carleton*): The opinion of the Chairman of the Standing Committee on Veterans Affairs is very important to us, and were we looking at this principle for the first time, I would be inclined to agree with Mr. Montgomery. But the principle having been established, and it having been in the act, I would be reluctant to take away this right, which has been granted. But I am not sure that I would not have voted against it initially when this act was first brought in.

Mr. PICKERSGILL: I would like to support the truly conservative position enunciated by Mr. Bell.

Mr. MONTGOMERY: I would like to get it disposed of.

The CHAIRMAN: Is it agreed that we approve this section over Mr. Montgomery's unseconded motion? Thank you.

Agreed.

Subsection (4) has been dealt with. Now subsection (5), "Qualifications of Veterans in certain hospitals or institutions."

Mr. McGEE: Should we tidy up subsection (4) with that September 9?

Mr. CARON: The same thing appears in both.

Mr. PICKERSGILL: I think it is needed in this subsection, is it not?

Mr. CASTONGUAY: No, because in this particular subsection there may be members of the forces who served at that particular time.

Mr. PICKERSGILL: I think it is needed here to define it, because that is a reference to people who actually served in a theatre of war.

Mr. CASTONGUAY: Yes, it is, and they still may be in an institution.

Mr. PICKERSGILL: Yes.

The CHAIRMAN: Is there anything further on subsection (5)?

Agreed.

Shall we pass on then to subsection (6), "Residence qualifications of members of the Canadian forces".

Mr. CARON: Does subsection (6) mean that at a by-election the forces are not allowed to vote? It would be rather hard to find them out for just one special circumscription.

Mr. CASTONGUAY: Every member of the Canadian forces has not a physical place of residence in his constituency, he must sign a statement of ordinary residence upon enrolment. He must state his place of ordinary residence in a statement, and then he has the right to vote in that constituency.

For example, you may have a by-election in Russell, where you have the Rockcliffe airport. But only those people who have given on enrollment Russell as their ordinary place of residence may vote in that by-election in Russell.

Mr. CARON: Even if they are away?

Mr. CASTONGUAY: That is right; they have to come back physically in order to poll their vote. The mechanics of the Canadian forces voting regulations do not function at by election.

Mr. PICKERSGILL: I am not a lawyer, and I have not looked at this subsection before; but it strikes me as rather odd for a provision of a statute to make reference to regulations rather than to another statute.

Mr. CASTONGUAY: But the regulations are part of this statute; they are schedule 4 of this act.

Mr. PICKERSGILL: Oh, they are not regulations then, in the normal sense of the word?

Mr. CASTONGUAY: That is right.

Mr. BELL (*Carleton*): Then why retain "Regulations" in this context? Because we usually think of regulations are something made by the governor in council; and when one looks at them he gets the same impression that Mr. Pickersgill has. It seems to me it might be possible to get rid of that word.

The CHAIRMAN: Perhaps we might give attention to that matter when we come to schedule 4.

Mr. PICKERSGILL: Perhaps the electoral officer might make a note of the possibility of making reference to paragraph 20 of this act rather than to use this rather misleading term.



Mr. MONTGOMERY: Might we not use the word "instructions" as well as "regulations"?

Mr. CASTONGUAY: That would also imply regulations made by an authority other than Parliament.

The CHAIRMAN: Is there anything further on subsection 6?

Agreed.

Subsection (7), "Residence qualifications of veteran electors at a by-election".

Mr. MONTGOMERY: Just for information, a member of the forces may change his place of ordinary residence on his document, and instruct them that it be changed.

Mr. CASTONGUAY: Yes, but in December only or any year.

The CHAIRMAN: Is there anything further on subsection (7)?

Mr. MONTGOMERY: Were there any such changes made last December?

Mr. CASTONGUAY: Those changes when made are sent to the Department of National Defence. I could inquire. I do not have a record of them in my office; they are kept by the Department of National Defence.

The CHAIRMAN: Subsection (7)?

Agreed.

We have disposed of section 14 with the exception of subsection (1) to which we will return at a subsequent date.

Mr. CARON: And subsections (6) and (7), for the Canadian forces voting regulations; that is at the back.

Mr. CASTONGUAY: They would be automatically changed when we reach schedule 4. If the committee decided to change the term, we would have to make consequential changes in order to bring it into line.

The CHAIRMAN: Now, section 15, "Persons in receipt of pay disqualified".

Mr. BELL (*Carleton*): I wonder if Mr. Castonguay could give us any indication of the extent to which, if at all, there is compliance with this section? I am of the impression that it is almost, if not entirely, honoured in the breach rather than in the observance. And if that be the case, are we wise in leaving in the election laws something which has become so honoured in the breach?

Mr. CASTONGUAY: I have not made an analysis of every report from the returning officers to find out if that has been complied with. But I did hear on one occasion that it was. But that does not mean to say there has been only one such occasion. To my knowledge it has been brought to my attention only once, but that is not as a result of an analysis of every report. That might show different information.

Mr. PICKERSGILL: For the benefit of some of us who have rather simple types of constituencies, could the thing be simply explained?

Mr. CASTONGUAY: This particular section means that every candidate is allowed one paid worker per 500 electors, and he must give the names of those people who exceed the quota to the returning officer. All those who come within the quota are permitted to vote, but those who exceed the quota are not permitted to vote.

Mr. PICKERSGILL: I think this is a lot of idiotic nonsense which ought to be taken out of the act.

Mr. CARON: Is it possible to do so?

Mr. PICKERSGILL: It is a straight invitation to candidates to break the law. It is really an absurd law, and I think it ought to be changed.

Mr. BELL (*Carleton*): That is in effect what is happening.

Mr. PICKERSGILL: I think so.

Mr. CASTONGUAY: I have heard candidates express the opinion that this section caused a conflict with their consciences when they came to fill out their returns. In a particular constituency they may have a scrutineer at each poll, yet they do not like to comply with this section because it would disfranchise quite a few people; yet at the same time they do not like to report it to the electoral officer.

Mr. CARON: In most cases where the workers are not paid regularly, some of them have to be reimbursed for the work day which they have lost.

Mr. BELL (*Carleton*): I know of one instance in an election where the candidate wrestled with his conscience and decided he would have to comply with the law; and when it became known to his workers that he was going to comply with the law, he found that his workers were about to walk out on him.

Mr. PICKERSGILL: It could not be taken away completely; it would just have to stop about half-way down, at the total number of persons per candidate.

Mr. BELL (*Carleton*): Yes, stopping at the semi-colon.

Mr. PICKERSGILL: We do not want to put a limit on it. I would have it read in line four at the end of the first word: "Persons who may be legally employed are persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate....".

Mr. CARON: And to have a period there?

Mr. PICKERSGILL: Yes; and then you could employ the whole ruddy constituency if you wanted to.

Mr. AIKEN: I must confess that I have complied with this section in the last two elections in a manner which I thought was compliance. It only refers to persons employed in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate. I made a return for the persons employed in my committee rooms, and I did not exceed the limit. I felt there was no obligation there unless the persons are those employed in advertising, or as clerks, stenographers, or messengers on behalf of the candidate.

Mr. PICKERSGILL: Yes, but you have to read it in connection with subsection 2.

Mr. AIKEN: That is something entirely different. I refer to subsection 3 as the persons who may be legally employed.

The CHAIRMAN: What suggestion does the committee have to offer in respect to this matter?

Mr. AIKEN: I think the removal of this particular section would help the situation that has been referred to regarding scrutineers, and one thing and another. If I read it correctly, I judge that it merely refers to clerks, stenographers, or messengers.

Mr. GODIN: No; read subsection 3 along with it, which is the total of paragraphs (a), (b) and (c). Persons who may be legally employed are; so the others are not. It seems to me that others are not entitled to vote, even if there are much less than 500.

Mr. CASTONGUAY: That is the interpretation given by all people I have contacted.

Mr. BELL (*Carleton*): Under this section it is clear that a paid scrutineer is not entitled to vote; you cannot qualify them under (d).

Mr. CASTONGUAY: You could have scrutineers up to the extent (d) will allow, provided you have not any under the others.

Mr. PICKERSGILL: You cannot call clerks, stenographers and messengers scrutineers.

Mr. BELL (*Carleton*): Paragraph (d) does not relieve in respect of scrutineers; it relieves only in respect of committee room workers and advertising personnel.

Mr. PICKERSGILL: That is right.

Mr. CARON: I will move, Mr. Chairman, that all the words after "candidate" be struck out.

The CHAIRMAN: All the words after "candidate" in paragraph (d) of subsection (2)?

Mr. BELL (*Carleton*): That only goes part way, does it not?

Mr. PICKERSGILL: Yes; but that is all we can do in this section.

Mr. CARON: Unless there is a complete redrafting of the section.

Mr. BELL (*Carleton*): Mr. Chairman, I think there needs to be a complete redrafting of the section. I think we should ask the chief electoral officer to take a look at this section and perhaps submit a redraft for our consideration.

Mr. CARON: Is that a redraft taking away as much as possible what is after the word "candidate", so that the rest would be included?

Mr. PICKERSGILL: I think there is one consideration that probably prompted this being put in in the first place, and I think that we should perhaps pay some attention to it. I do not think we should limit the number of people who can be employed by a candidate, as long as they are genuinely employed; but I think there should be some provision. I think it is meant to be a device to cover wholesale bribery.

Mr. BELL (*Carleton*): That is right.

Mr. PICKERSGILL: That is the only qualification, that there must be a service rendered, so that somebody with a great deal of money could not go out and hire everybody.

Mr. GODIN: There is another clause which takes care of that, undoubtedly. A person without any service at all would be paid for his vote; is that what you are now suggesting?

Mr. PICKERSGILL: If you did not have a saving phrase in here—

Mr. CARON: I think there is a limitation for the representatives inside the polls. We may have the same number for outside the polls. A candidate could have two representatives, inside and outside the polls, and it is for inside the polls. That might cover the whole thing, because we generally have not more than two—a "swinger".—

Mr. MONTGOMERY: All I can say is that you boys must be lucky, if you can get money to pay for this.

Mr. CARON: Even if there are only two or three who require to be paid, it becomes illegal, according to that section. It may be that you have one or two people who may be losing a day's work, but they are very good men and you need them. According to this, you cannot reimburse them for the loss of that day's work.

Mr. PICKERSGILL: I would make a motion, Mr. Chairman—in the hope of saving some time—that subsection (3) stand and that the chief electoral officer, having heard the views which we have expressed, brings us a draft in the sense of the views that seem generally to prevail here. Then we could look at the draft.

Mr. HODGSON: I second that motion

Mr. BELL (*Carleton*): Does it not require having the whole section stand?

Mr. PICKERSGILL: I will amend it that way, to have section 15 stand.



Mr. CARON: Mr. Chairman, I will withdraw my proposal.

The CHAIRMAN: Subsection (3) stands?

Mr. PICKERSGILL: No; section 15 stands.

Mr. CASTONGUAY: There is one clarification, Mr. Chairman. I gather that it is the feeling of the committee that they would like their agents to be legally employed?

Mr. PICKERSGILL: Yes.

Mr. CASTONGUAY: And including the words in paragraph (d), "clerks, stenographers or messengers, or candidates' agents"; is that the feeling of the committee?

Mr. PICKERSGILL: Yes.

Some Hon. MEMBERS: Yes.

Mr. AIKEN: Mr. Chairman, may I make this suggestion. This is only a suggestion for the consideration of the chief electoral officer. He could add a paragraph, (e), after paragraph (d), to include duly appointed candidates' agents, and leave (d) as it stands. To that paragraph could be added paragraph (e), "duly appointed candidates' agents".

Mr. CASTONGUAY: Is it the feeling of the committee that they wish this restriction of 500 to remain?

Mr. AIKEN: If this were adopted, this would not restrict the number of agents. If you add a paragraph (e) covering "duly appointed candidates' agents", it would still leave (d), which permits the employment of clerks, stenographers and other people who are duly declared. In addition to that, you could also include paragraph (e), "duly appointed candidates' agents".

Mr. BELL (*Carleton*): That would cover the agents at the polls who are appointed pursuant to section 34.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: You have the feeling of the meeting, Mr. Castonguay. Is it agreed that this stand?

Some Hon. MEMBERS: Yes.

Mr. GODIN: Is it intended that the 500 be taken out?

Some Hon. MEMBERS: Yes.

Mr. GODIN: With an average 35,000 voters on the list, it would give them roughly only 70 workers who would be entitled to vote; and there are 130 polls, so the candidate could not, according to this, retain the right to vote for his workers, to have at least one per poll.

Mr. PICKERSGILL: That is the whole purpose of my motion, that this should be struck out.

Mr. GODIN: Absolutely.

Mr. CASTONGUAY: The suggestion made by Mr. Aiken was that paragraph (d) remain the same, but we add another paragraph, (e), making it cover candidates' agents duly nominated by the candidate and legally employed as such.

Mr. PICKERSGILL: Not the whole of paragraph (d), I take it, but a truncated paragraph (d).

Mr. CASTONGUAY: But to add paragraph (e)?

Mr. PICKERSGILL: My motion is that we leave it to you to bring in.

Mr. CARON: And my first motion, Mr. Chairman, was to delete the 500.

Mr. CASTONGUAY: Is it to remain, but because of the fact that we add a paragraph (e), to legalize—

Mr. CARON: When you redraft it, I will move another motion.

The CHAIRMAN: I understand it is the feeling of the committee that we will look at it when you bring it back. When you bring back another version, we will look at it.

Mr. AIKEN: Since I raised this matter, Mr. Chairman, I would like to say this. I would have no objection, if it is the wish of the committee that the number of clerks, stenographers or messengers should be unlimited and that no return should be required; but I merely felt that perhaps the latter part, about communicating the name, address and occupation, might be deleted.

Mr. MONTGOMERY: I do not see any necessity for any part of that.

Mr. AIKEN: I would have no objection, if it is the feeling of the committee that we put no limit on clerks, stenographers or messengers.

Mr. PICKERSGILL: I thought that was the sense of what we had agreed. I had not understood that Mr. Aiken was suggesting the contrary.

The CHAIRMAN: You are prepared to go ahead, gentlemen?

Agreed.

The CHAIRMAN: We come now to section 16, rules as to the residence of electors. Have you anything to say on subsection (1)?

Agreed.

The CHAIRMAN: Anything on subsection (2)?

Mr. BELL (*Carleton*): I do not understand why subsection (2) is necessary. Surely, "shall be determined by reference to all the facts of the case" is strange draftmanship?

Mr. CASTONGUAY: But of great assistance in giving a ruling.

Mr. PICKERSGILL: Has the chief electoral officer any notion as to why subsection (2) is there?

Mr. CASTONGUAY: I really have not.

Mr. PICKERSGILL: It occurred to me that it might have reference to the kind of thing which exists in my constituency, and a good many others in the eastern provinces, anyway, where you have logging camps.

Mr. CASTONGUAY: I think this particular wording was put in because there is a great deal of confusion among people as to the words "domicile" and "ordinarily resident". I think they may have elaborated a great deal in trying to explain "residence" and making it elastic enough to give a ruling that would be, in all justice, suitable to all people concerned. This has stood me well in many rulings I have had to give, and I would hate to see it cut down.

Mr. CARON: Is that not covered by (3)?

Mr. CASTONGUAY: Yes, it is covered by (3); but I do not think subsections (2), (3), and (4) should be condensed, as this gives me a great deal of elbow room to give a ruling that would be just and acceptable to all people.

Mr. CARON: You think it is preferable to leave it there, for your purpose?

Mr. CASTONGUAY: For my purpose, for the purpose of candidates, and for everyone else. It is not only for my purpose, but I think it is better understood.

Mr. GODIN: It prevents the temptation of appealing a ruling. I do not know if there is such an appeal. It is something like the credibility in an action before a judge, who says that he believes this person, and not the other; then the appeal is out.

Mr. MONTGOMERY: There is a difference between "ordinary residence" and "domicile", as I understand the law.

Mr. CASTONGUAY: There is a substantial difference.

Mr. PICKERSGILL: What do you do about these logging camps? For example, a good many of my constituents will, at a certain time of the year, be in a logging camp in Badger, logging there through a period of the year. Would they ordinarily be considered residents of Badger at that time?

Mr. CASTONGUAY: The matter is simple to handle in so far as residents of an electoral district are concerned who move from one place to another in order to work in logging camps. We establish polling divisions for all logging camps, and when the writ is issued, those not in operation are cancelled; if it is in operation, it remains.

Mr. PICKERSGILL: The people who remain are deemed to be in residence?

Mr. CASTONGUAY: Yes, they come under this other subsection, (10), on page 165. They are considered temporary workers.

But the problem comes from people who are deprived of their vote because they have come from other constituencies after the date of the issue of the writ and are not entitled to vote at these logging camps. So you have the residents entitled to vote, and the others who arrived at the camp after the issue of the writ. There are some difficulties with this particular thing; there are electors who do not understand this.

Mr. PICKERSGILL: I would imagine that a reasonable interpretation would be made by the D.R.O. and they would all vote.

The CHAIRMAN: Is there anything further on (3)?

Agreed.

The CHAIRMAN: Subsection (4), one place of residence only. No member of the committee feels that he should have two or three?

Mr. PICKERSGILL: This is a very restrictive section, but I suppose it should be here.

Mr. CASTONGUAY: There is a problem that I think pertains to members of parliament that comes up quite frequently, as to their place of ordinary residence. I notice that the province of Quebec has a special clause dealing with this residence problem by a member from a constituency who has, say, rented his place of ordinary residence, where he lives, and came to Ottawa and established a residence here. That particular member has at times felt he is not resident in his own district, because of the mere fact that he is no longer ordinary resident at his place of residence, which has been rented, and he cannot return to his ordinary residence at will.

I have sometimes felt the provision of the Quebec Elections Act should be put in our act to cover the members of parliament who have such residence in a constituency, who for some reason do not fall within this qualification, by the mere fact that they have rented while away, and continue to maintain their place of ordinary residence in their absence. This is the provision in the Quebec Elections Act. I am only throwing it out as a suggestion.

I know this problem comes up at every election. There are many members who have second thoughts as to whether they are entitled to vote in the constituency where they have rented their residence during their absence in Ottawa.

Mr. PICKERSGILL: I have always voted in Ottawa East. But I have a house, which I do not rent to anybody else, in my constituency. Is it conceivable that I can establish that as my residence?

Mr. KUCHEREPA: As long as you do not vote twice!

Mr. ORMISTON: How would you regard wives of members of parliament who are working here; for instance, a teacher who is under contract and has to have Ottawa as a place of residence because she is assessed a certain amount



for hospitalization taxes, and so on? She is normally declared a resident here in Ottawa, while her normal residence is that of her husband, back in the constituency. There might be ambiguity there.

The CHAIRMAN: I hate to be facetious at this time, but I wonder if this temporary absence clause would not always cover a member of parliament.

Mr. CASTONGUAY: I only brought the matter up because there have been some doubts raised by members on this question.

Mr. AIKEN: If any member is in Ottawa during the election, he should not be!

Mr. MONTGOMERY: If a man owns property, is qualified as a candidate for member of parliament, and has to be away from Ottawa attending to his business, surely he should qualify there?

Mr. CASTONGUAY: A member of parliament is subject to the same interpretation under the rules of "ordinarily resident" as any other elector.

Mr. MONTGOMERY: If he sold his property and had no more interest—

Mr. CASTONGUAY: He does not need property to qualify as an elector; all he needs is to qualify as an elector in the electoral district.

He may rent his house for a period of four years, and—

Mr. MCGEE: Members with young families would have to keep their children in school in either Ottawa or their home town. Many of them, I know, have moved their families to Ottawa to live because of the school problem. You are suggesting, in that case, that if they have rented their home, they cannot vote in their own riding

Mr. CASTONGUAY: I am not suggesting that, and I would not rule on that, because I have never been in a position of having to make any ruling on it. If I had to make a ruling on it, I think I would work on the temporary absence clause. But I would not feel too comfortable about my ruling.

Mr. MCGEE: You would like to have something more solid in the act?

Mr. CASTONGUAY: I would like to have something more solid in the act; not for my benefit, but for the benefit of members. This doubt has been raised by members ever since I can recall—and I have been in office since 1934.

Mr. BELL (*Carleton*): Mr. Chairman, why do we not have the chief electoral officer draft his views and then submit them to us at the next meeting?

Agreed.

Mr. AIKEN: Is there another class of person having that same difficulty?

Mr. CASTONGUAY: When we get to subsection (7) I would like to bring up another problem. That is the only one I can think of.

Mr. PICKERSGILL: I assume you would include, not only members of parliament, but members of their families as well.

Mr. CASTONGUAY: If that is the wish of the committee.

Mr. PICKERSGILL: Oh, I would think so.

Some HON. MEMBERS: Yes.

The CHAIRMAN: We will proceed to subsection (5), gentlemen, "members of the Canadian forces". Are there any questions or observations upon this subsection?

Mr. PICKERSGILL: There is a drafted one.

Agreed.

The CHAIRMAN: We then go on to subsection (6), "residence at a general election".

Mr. PICKERSGILL: This is quite satisfactory.

Agreed.

The CHAIRMAN: Subsection (7), exceptions. Do you have anything to say, Mr. Castonguay?

Mr. CASTONGUAY: The provisions of subsection (7) permit a priest or a teacher to vote if they are moved into an electoral district after the issue of the writ. That same problem arises there; it does not permit their wives and dependents to vote. This is the problem that came up on several occasions during the last two elections, and I wonder if the committee would like to give that some thought and bring it in line with other similar provisions in the Act.

Mr. MONTGOMERY: I think so; I think it is a good suggestion.

Mr. CASTONGUAY: There will be some diplomatic drafting to be done.

The CHAIRMAN: Is it your pleasure, gentlemen, that this one stand, and Mr. Castonguay look into this?

Mr. PICKERSGILL: I think so.

Agreed.

Mr. PICKERSGILL: Are there any other categories of persons, that have ever come to your notice, for whom a similar provision should be made?

Mr. CASTONGUAY: No. These are the only three.

Mr. PICKERSGILL: No one has suggested anyone else should be included?

Mr. CASTONGUAY: No, not to my knowledge.

Mr. PICKERSGILL: Bank managers, for example?

Mr. CASTONGUAY: Not to my knowledge.

Mr. HODGSON: I know of a bank manager who came into town at the last provincial election. He could vote, but his wife could not.

The CHAIRMAN: No. 7 stands.

Mr. HODGSON: The British law gave the banker a right to vote, because he moved in from another area.

Mr. MONTGOMERY: Before we come to No. 8, Mr. Hodgson raised the point which I understand has not been brought to the Chief Electoral Officer's attention. What about bankers—or even civil servants who are transferred from one place to another? Have you not had it raised?

Mr. CASTONGUAY: When I say the question has not been raised, I mean it has been raised as in the case of all electors who are in this unfortunate position of having to move into an electoral district after the date of the issue of the writ. But a basic principle of the act is that a person is allowed to vote in the electoral district where he was on the date of the issuing of the writ.

The particular case that Mr. Hodgson has referred to would not apply to the federal election, because if the husband is qualified as to residence so is his wife, if she has qualified in every other respect.

Mr. HODGSON: This woman raised Cain because she could not vote and her husband could.

Mr. PICKERSGILL: I could see it would make a great deal of extra work in urban ridings, if you extended this class of person. I almost wonder why it has been extended thus far, but I would not propose we change it now it is there.

Mr. HODGSON: There are so few, I would not do that.

Mr. PICKERSGILL: This did, in fact, happen to me, and as I told the committee at the last meeting, at the time of the issuing of the writ in 1935 I lived in south centre Winnipeg. At the time of the vote I was in south Winnipeg, but it was no inconvenience to me. However, I might have been elsewhere, even in Toronto or Vancouver.

Mr. BELL (Carleton): If you open it up any further you drive a horse and cart through.

Mr. PICKERSGILL: That is my feeling; we had better leave it as it is.

The CHAIRMAN: No. 8, any comment or question on that?

Item agreed to.

The CHAIRMAN: No. 9: "Summer residents". Any comment or question on that?

Item agreed to.

Mr. CARON: If they live in that residence beyond October, they can be included?

Mr. CASTONGUAY: If they live there all the year round they are all-year residents.

Mr. CARON: But suppose they live there until the end of November? This is limited from May to October?

Mr. CASTONGUAY: It would depend when the election was held.

Mr. CARON: If the election is held in November, he could be entitled to vote in that election?

Mr. PICKERSGILL: If you live in one place from May to November and in another place from December to May, that being the exact six months in both cases, it is a nice question, which is your residence. I suppose that is why you took five months?

Mr. CASTONGUAY: This has always worked out very well, and there has been no difficulty, absolutely none; it has been very satisfactory.

Mr. CARON: I do not want to create any.

Mr. BELL (*Carleton*): My constituency has a very large number of summer residents, and we have never had any problems in that respect.

Mr. PICKERSGILL: There has not been any problem about this since 1925.

Item agreed to.

The CHAIRMAN: No. 10, "temporary workers".

Mr. CARON: You have no complaints?

Mr. CASTONGUAY: This worked very satisfactorily; both sub-sections work very satisfactorily.

Mr. MONTGOMERY: I have not had a chance to read it over, but he must be a temporary worker, say, in a lumber camp, on the day when the writ was issued?

Mr. CASTONGUAY: On the date of issue of the writ. This concerns construction projects and lumber camps, which are not public works. In the case of construction projects other than for government—by private enterprise—he must be there on the date of the issuing of the writ. There may be a big mill in a constituency where people come from another constituency to work, and as long as they are there on the day of issue of the writ, they are permitted to vote, even though their permanent residence may be in another electoral district.

Mr. MONTGOMERY: They may not be staying on the project but may be living in married quarters.

Mr. CASTONGUAY: In that case they are not staying on the project as such, and they have not a residence there as such. They are not living in the bunk-house or on other living accommodation on the project.

Mr. MONTGOMERY: It does not mean the family must be living in the area?

Mr. CASTONGUAY: No. He must be sleeping in a bunk-house or other such accommodation provided by the contractor, or whoever it is, in the district. Yet he still has his permanent home in another electoral district.

The CHAIRMAN: Anything further on subsection No. 10?



Item agreed to.

The CHAIRMAN: No. 11, "wives and dependents of servicemen".

Mr. CARON: In the last line it says, "This sub-section is not applicable at a by-election". Does that mean that the wife of a serviceman who is residing for instance, in Russell, if there is a by-election, and her husband is in the forces, is she not entitled to vote there for the by-election?

Mr. CASTONGUAY: Yes, if that was her place of ordinary residence.

I believe this sub-section was put in in 1940, because quite a movement of service people had begun. The problem came up when the wives were taking up temporary residence and were still maintaining a residence at their home. They were following their husbands; and they thought, whatever temporary residence the wife had with her husband before embarkation or while in training, that subsection 1 would support their temporary residence and allow them to vote.

In the case of a wife living in married quarters, she may have given up her previous place of residence and has no other place of ordinary residence to attend. There the wife of a serviceman has to meet the qualifications that every other elector has. But where a wife has two residences, one permanent and one temporary—and that is the sort of thing that happens before embarkation, and so on—this still works well in those cases.

The CHAIRMAN: Anything further on No. 11?

Item agreed to.

The CHAIRMAN: No. 12, "persons temporarily engaged in public works.

Mr. AIKEN: I would like to ask the Chief Electoral Officer if there has been any difficulty with this section?

Mr. CASTONGUAY: None whatsoever.

Mr. PICKERSGILL: I can well imagine there might be difficulties if it were not there.

Mr. BELL (*Carleton*): I think I have more difficulties with this in by-elections than any other one.

The Chief Electoral Officer may remember what happened in York-Sunbury, in the by-election between Mr. Gregg and General Sansom, where it was sought to have some 200 people on public works sworn and put on the list. I had to face an angry crowd for the whole of one morning, and it was the ugliest situation I have been in, politically, in my life.

The CHAIRMAN: Anything further on No. 12?

Item agreed to.

The CHAIRMAN: No. 13. "Wives or dependents of persons temporarily engaged in public works".

Item agreed to.

The CHAIRMAN: Subsection No. 14, "person residing in lodgings, hostel, refuge, etc." Any comment or question on this?

Mr. AIKEN: I would like to ask one question: Why is the ten days preceding the date of issue of the writ included in this section, when it does not seem to appear anywhere else in the act? The same seems to apply to fifteen and twelve.

Mr. PICKERSGILL: It is evident Mr. Aiken does not live in Montreal—

Mr. CARON: Or Toronto.

Mr. PICKERSGILL: —or Toronto.

The CHAIRMAN: Are you satisfied with that rather cryptic comment, Mr. Aiken, as to your place of residence?

Mr. AIKEN: No, Mr. Chairman. I have not had this problem at all. Presumably others in the committee are fully acquainted with it, and I will not press it. I live in a riding which is straightforward, and we do not have too much finagling.

The CHAIRMAN: You might find out the problem from some of the committee members who understand it, Mr. Aiken, and then let me know what this is all about.

No. 14 then?

Item agreed to.

The CHAIRMAN: Sub-section 15, persons residing in a sanitorium, etc.

Mr. CARON: Has this worked satisfactorily?

Mr. CASTONGUAY: Yes, very satisfactorily.

Mr. PICKERSGILL: Does this work all right in Parry Sound?

The CHAIRMAN: Are we agreed on No. 15?

Item agreed to.

The CHAIRMAN: To recapitulate on this section, we are standing sub-section 4 and sub-section 7. We have expressed our agreement on the others, is that right?

Mr. PICKERSGILL: Subject to any change there may be in drafting over that Canadian forces matter.

The CHAIRMAN: Yes.

Section 17, "Preparation of lists of electors." This is a pretty technical matter. Have we any comment on it, Mr. Castonguay?

Mr. CASTONGUAY: I have no comment, other than bringing to your attention the proposal submitted to the committee for *special agents*, which will be dealt with in schedule A, when we come to schedule A of Section 17, which is at page 172. I think that will be the appropriate time for the committee to deal with my proposal with regard to *special agents*.

The particular sections in here work reasonably well, and have given satisfaction. I have no complaint or change to suggest.

Mr. CARON: Is 49 days enough for the Chief Electoral Officer and the personnel—49 days?

Mr. CASTONGUAY: I must say that the electoral officials never get enough time, but I think there are other processes that have to be considered. I feel we can do the job in that time. You speak to any electoral officer and he will want more time; but, as I say, there are other processes that must be considered, and I think this is working.

Mr. CARON: You think you can do it in that time?

Mr. CASTONGUAY: Yes, it has been done.

Mr. CARON: That is all I want to know.

The CHAIRMAN: Does any other member of the committee have a question on this section?

Mr. PICKERSGILL: I suggest we need not go through it sub-section by sub-section.

The CHAIRMAN: It might well be appropriate to take up the Chief Electoral Officer's suggestion *re special agents*. There is not sufficient time at this meeting, and we might move on to that at the next one, and that would be an item of importance on this section. Is there anything further on any other aspect of this section?

Mr. BELL (*Carleton*): The whole of section 17?

The CHAIRMAN: Yes, the whole of Section 17.

Mr. PICKERSGILL: Apart from the schedule.

Mr. BELL (*Carleton*): Is it feasible to ask that the enumerators should provide a copy of the preliminary list to each of the candidates?

Mr. CASTONGUAY: It is not feasible, for this reason, that when they complete the enumeration and give the list to the returning officers, which is 42 days before polling day, there are very few officially nominated candidates. I do not want to sort of pass any judgment on some of them, but there are many candidates who have thrown their hats early in the arena, but when the official nomination day comes they are no longer on the scene.

I feel that to give a copy of the list to every officially nominated candidate could only be given on the date when the lists are printed. Through my instructions the present practice is that I permit the enumerators, the urban enumerators, to make a copy for candidates who have nominated them. I think it would be impracticable to restrict them from not doing that. I say it must be done at their own cost, and not at the cost of the crown. So urban enumerators are permitted to make an extra copy of the list, at their own expense, for the candidate who nominated them. It is through personal instructions and not legislation that I do this. I do not think one should legislate to give a list to every possible candidate. I think it should be restricted to officially nominated candidates, those who have put up \$200 and have filed their papers. So this will be done at the time the printed list is there; and if the committee support me in my present practice, I think that serves the purpose.

I know that lists posted up are removed—whether by urchins or candidates who require a list in a hurry. I think the present practice works well.

Mr. BELL (*Carleton*): It does in my riding.

Mr. CASTONGUAY: I have been challenged on the instructions that I have given to urban enumerators, permitting them to make a copy of the lists for the candidate who nominated them for the position. I say this power is given to me by Section 5.

Section agreed to.

The CHAIRMAN: I think this is a good place to break off, gentlemen. We shall meet again on Tuesday morning, and Mr. Castonguay will be here.



HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

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TUESDAY, MAY 10, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, May 10, 1960.  
(10)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Godin, Henderson, Hodgson, Howard, Macquarrie, Mandziuk, McBain, McGee, Meunier, Montgomery, Pickersgill, Richard (*Ottawa East*) and Webster.—16

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Chairman announced that the Committee in future would meet on Monday mornings in addition to its Tuesday and Thursday meetings.

The Committee resumed its detailed consideration of the Canada Elections Act.

### *On Section 15:*

Subsection (3) was amended by striking out the word "and" at the end of paragraph (c) thereof, by repealing paragraph (d) thereof and by substituting therefor the following paragraphs:

- (d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate; and
- (e) any agent having a written authorization from a candidate pursuant to section 34.

Section 15, as amended, was adopted.

### *On Section 16:*

The Section was amended by adding thereto immediately after subsection (7) thereof the following subsection:

- (7A) The election by any person pursuant to subsection (7) shall be deemed to entitle the spouse and dependants, if any, of such person, if otherwise qualified, to be included on the list of electors for the polling division in which such person is ordinarily resident at the time of the application and to vote at the polling station established therein.

The Section was further considered and allowed to stand.

The Committee considered the amendments submitted by Chief Electoral Officer on April 28th respecting the *revision of lists in urban polling divisions*. Agreed,—That the term "Special Agent" be changed to "revising agent".

The following consequential amendments were approved:

1. (1) Paragraph (8) of section 2 of the Canada Elections Act is repealed and the following substituted therefor:

"(8) "election officer" includes the Chief Electoral Officer, the "Election Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer, revising agent or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;"



(2) Section 2 of the said Act is further amended by adding thereto immediately after paragraph (35) thereof the following paragraph:

"Revising agent."

"(35a) 'revising agent' means a person appointed by the returning officer pursuant to Rule (42) of Schedule A to section 17;"

2. Subsection (18) of section 17 of the said Act is repealed and the following substituted therefor:

Penalty for obstructing enumerator or revising agent in performance of duties.

"(18) Every person who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars."

3. (1) Clause (b) of Rule (27) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

(b) sworn applications made by agents on Form Nos. 17 and 18, or by revising agents on Forms Nos. 17A and 18A.  
on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (33) or Rule (33A); and

(2) Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (33) thereof the following Rule:

"Rule (33A). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 17A exhibiting an application in Form No. 18A, signed by the person who desires to be registered as an elector; the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(3) Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (34) thereof the following Rule:

"Rule (34A). If the revising officer entertains a doubt as to whether any application for registration, as mentioned in Rule (33A), should be allowed, he shall not accept such application and in such case the revising officer shall, not later than Saturday, the sixteenth day before polling day, transmit, by registered mail, to the applicant, at his address as given in his application in Form No. 18A, a Notice in Form No. 16A advising the person mentioned in such application that he may appear personally before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name entered on the appropriate official list of electors; if such person answers to the satisfaction of the revising officer all relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the

applicant in the revising officer's record sheets as an accepted application for registration in the official list of electors of the polling division where such person resides."

(4) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, or where under Rule (34A) a notice in Form No. 16A has been sent to an applicant. The revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections and of all applications in Form No. 18A of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

(5) Rule (41) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (41). Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by revising agents in Forms Nos. 17A and 18A, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

Rule (42). For each urban revisal district the returning officer shall, on Friday, the twenty-fourth day before polling day, appoint in writing in Form No. 5A two persons to act as revising agents therein, and shall require each of such persons to take an oath in Form No. 6A that he will act faithfully in the capacity of revising agent without partiality, fear, favour or affection and in every respect according to law; each revising agent so appointed shall be a person qualified as an elector in the electoral district.

Rule (43). The returning officer shall, as far as possible, select and appoint the two revising agents of each urban revisal district so that they shall represent two different and opposed political interests.

Rule (44). At least five days before he proposes to appoint the persons who are to act as revising agents as aforesaid, the returning officer shall

- (a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at

that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as revising agent for every urban revisal district comprised in the electoral district, and, except as provided in Rule (45), the returning officer shall appoint such persons to be revising agents for the revisal districts for which they have been nominated; and

- (b) in an electoral district two members and in an electoral district, the urban areas of which have been altered since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (a) of this Rule is not available to nominate revising agents or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate revising agents, and then proceed with the appointment of such revising agents as above directed.

Rule (45). If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating candidate or his representative, who may within twenty-four hours thereafter nominate a substitute to whom the provisions of Rule (43), and of this Rule, shall apply; if no substitute is nominated as aforesaid, or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint to any necessary extent.

Rule (46). If either of the candidates or persons entitled to nominate revising agents fail to nominate a fit and proper person for appointment as revising agent for any urban revisal district comprised in the electoral district, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint revising agents to any necessary extent.

Rule (47). The two revising agents appointed for each urban revisal district shall act jointly and not individually; they shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them; the returning officer shall decide the matter of difference and shall communicate his decision to the revising agents; they shall accept and apply it as if it had been originally their own; the returning officer may at any time replace any revising agent appointed by him by appointing, subject to the provision of Rule (43) another revising agent to act in the place and stead of the person already appointed, and any revising agent so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information which he has obtained for the purpose of the performance of his duties, and on default he is guilty of an offence punishable on summary conviction as in this Act provided.



Rule (48). Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them; if at such place there is found to be any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election, that person may complete Form No. 18A and if such a person does complete Form No. 18A the revising agents shall then jointly complete Form No. 17A and present such completed forms to the appropriate revising officer during such times as he may be sitting as provided in Rule (26).

Rule (49). On the day upon which the sittings for the revision of the lists of electors in urban polling divisions commence, the revising agents shall present to the appropriate revising officer any completed applications in Forms Nos. 17A and 18A in their possession; on each of the two succeeding days upon which the revising officer is sitting, the revising agents shall present such further applications in Forms Nos. 17A and 18A as may be completed.

Rule (50). During the first three days of the sittings for the revision of the lists of electors in urban polling divisions, the revising officer may direct the pair of revising agents appointed for his revisal district to proceed in the same manner as provided in Rule (48)."

4. Paragraph (b) of subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

"(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising agents, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment; and"

By separate  
cheques in  
other cases.

5. Subsection (2) of section 100 of the said Act is repealed and the following substituted therefor:

"(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising agent or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act."

Qualifications  
as electors  
of election  
officers.

6. Schedule One to the said Act is amended by adding thereto immediately after Form No. 5 thereto the following Form:

“FORM No. 5A.

APPOINTMENT OF REVISING AGENT.  
(Sec. 17, Sched. A, Rule 42.)

To (insert name of revising agent), whose address is (insert address).

Know you that, in pursuance of the Canada Elections Act, I, the undersigned, in my capacity of returning officer for the electoral district of ....., do hereby appoint you revising agent for urban revisal district No. .... of the said electoral district.

Given under my hand at ....., this ..... day of ....., 19, .....

.....  
Returning Officer.”

7. The said Schedule One is further amended by adding thereto immediately after Form No. 6 thereto the following Form:

“FORM No. 6A.

OATH OF OFFICE OF REVISING AGENT.  
(Sec. 17, Sched. A, Rule 42.)

I, the undersigned, appointed revising agent for urban revisal district No. .... of the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district and that I will act faithfully in my said capacity of revising agent, without partiality, fear, favour or affection. So help me God.

.....  
Revising Agent.

CERTIFICATE OF THE REVISING AGENT HAVING TAKEN  
THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the ..... day of ....., 19 ....., the revising agent above named subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
Returning Officer or Postmaster  
(or as the case may be)”

8. Form No. 14 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 14

NOTICE OF REVISION  
(Sec. 17, Sched. A, Rule 23.)

Electoral district of .....

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be

held on each of the following three days, namely: Thursday, Friday and Saturday, the ....., ....., and ..... days of ....., 19 ....., (Insert the dates of the 18th, 17th and 16th days before polling day) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF .....

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos ..... of the above mentioned electoral district, the sittings for revision will be held at (Insert exact location of the revisal office) before (Insert full name of revising officer) who has been appointed revising officer.

(Proceed as above in respect of any other revisal district.)

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Thursday and Friday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT, during the sittings for revision on the Thursday, Friday and Saturday aforesaid, the revising officer shall dispose of the following applications:

- (a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the Canada Elections Act;
- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 17 and 18A, of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) or Rule (33A) of Schedule A to section 17 of the said Act; and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until ten o'clock in the evening of each of these days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (Insert location of office of returning officer).



NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the ..... day of ....., 19 ...., (Insert the date of the thirteenth day before polling day) at the same place and times as the sittings for revision on the Thursday, Friday and Saturday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in Form No. 15 of the said Act to the retention of names on the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (28) of Schedule A to section 17 of the said Act.

Given under my hand at ....., this ..... day of ....., 19 .....

(Print name of returning officer)  
Returning Officer."

9. The said Schedule One is further amended by adding thereto immediately after Form No. 16 thereto the following Form:

"FORM No. 16A.

NOTICE TO APPLICANT BY REVISING OFFICER

(Sec. 17, Sched. A, Rule 34A.)

Electoral district of .....  
Revisal district No. ....

To (set out names, address and occupation of the person as these appear on the application in Form No. 18A).

As it appears to me that (insert the ground of disqualification as hereinafter directed),

Take notice that you may appear before me in person during my sittings for revision which will be held at No. .... street, in the City (or Town) of ..... on Tuesday the ..... day of ....., 19....., (insert the date of the thirteenth day before polling day) where I may be found from ten o'clock until eleven o'clock in the forenoon and from seven o'clock until ten o'clock in the evening, for the purpose of establishing your right, if any, to have your name entered in the official list of electors of the polling division where you reside.

This notice is given pursuant to Rule (34A) of Schedule A to section 17 of the Canada Elections Act.

Dated at ....., this ..... day of ....., 19.....

.....  
Revising Officer.

Note.—If the person to whom this notice is addressed does not appear before the revising officer his name will not be added to the official list of electors.

Grounds of disqualification which may be set out in the Notice to Applicant by Revising Officer in Form No. 16A of the Canada Elections Act.

- (1) "You are not a qualified elector in the electoral district."
- (2) "Your application in Form No. 18A has not been properly completed."

10. The said Schedule One is further amended by adding thereto immediately after Form No. 17 thereto the following Form:

"FORM No. 17A

SWORN APPLICATION TO BE MADE BY THE REVISING AGENTS  
ACTING FOR AN ELECTOR

(Sec. 17, Sched. A, Rule 33A.)

Electoral district of .....

To the Revising Officer for Revisal District No. ....  
comprised in the above mentioned electoral district.

We, the undersigned, (insert name, address and occupation of each revising agent), do swear (or solemnly affirm):

1. That we are qualified electors of the above mentioned electoral district.

2. That pursuant to the provisions of Rule (33A) of Schedule A to section 17 of the Canada Elections Act, we hereby apply for the registration of the name of (insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made) on the official list of electors for urban polling division No. .... comprised in the above mentioned revisal district.

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18A, are to the best of our knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18A was signed in our presence by the person on whose behalf this application is made.

Severally sworn (or affirmed)	}	
before me at .....		.....
this .... day of ....., 19..		(Signature of revising agent)
.....		.....
Revising Officer	}	(Signature of revising agent)
(or as the case may be)		

Note.—This form must be signed and sworn to by both revising agents appointed to act in the above revisal district."

11. The said Schedule One is further amended by adding thereto immediately after Form No. 18 thereto the following Form:

“FORM No. 18A

APPLICATION TO BE MADE BY AN ELECTOR FOR  
REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 33A.)

(To be presented to the revising officer by the  
revising agents acting for an elector.)

Electoral district of .....

Urban polling division No. ....

Name of applicant .....  
(in capital letters with family name first)

.....  
(address)

.....  
(occupation)

I, the undersigned, hereby apply to be registered at the now  
proceeding revision of preliminary lists as an elector in the above  
mentioned urban polling division.

I am of the full age of twenty-one years, or will attain such  
age on or before polling day at the pending election.

I am a Canadian citizen.  
(or)

I am a British subject other than a Canadian citizen and have  
been ordinarily resident in Canada for the twelve months im-  
mediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling  
division on the ..... day of ....., 19.....  
(naming the date of the issue of the writ ordering the pending  
election); (and, at a by-election, I have continued to be ordinarily  
resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified  
as an elector in the above mentioned urban polling division, at the  
pending election, under any of the provisions of the Canada Elections  
Act.

Dated at ....., this ..... day of  
....., 19....

.....	}	..... (Signature of applicant)”
(Signature of revising agent)		
.....		
(Signature of revising agent)		



Schedule A to Section 17 was adopted as amended but subject to rewording of Rule (9).

Schedule B to Section 17 was adopted.

Section 18 was adopted.

Section 19 was allowed to stand.

*On Section 20:*

Mr. Bell (*Carleton*) moved, seconded by Mr. Pickersgill, that Subsection (1) (e) be deleted. The motion was negatived on the following division:  
YEAS: 7; NAYS: 8.

Mr. Bell (*Carleton*) moved, seconded by Mr. Howard, that Subsection (1) (e) be amended to read as follows:

“(1)(e) every person holding the office of sheriff, clerk of the peace or county Crown Attorney during the time he is holding such office;”

The motion was carried *on division*.

Mr. Pickersgill moved, seconded by Mr. Howard, that (2) (a) be amended by adding after the words “Minister of the Crown”, the following words: “and receiving a salary under the Salaries Act;”.

At 11.05 a.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
Clerk of the Committee.



## EVIDENCE

TUESDAY, May 10, 1960.

The CHAIRMAN: By way of an announcement, gentlemen, I have some good news to convey to you. On the advice of the steering committee I am calling an extra meeting each week. That meeting will be held on Mondays in the morning.

Mr. WEBSTER: No Quebec members on this committee?

The CHAIRMAN: We will not stop for applause; but that is something which is necessary in the light of events and the need to get on with our work.

Now, if we might return to an item which we stood over for further consideration, which is section 16, subsection (4), there was some question about some voters who might be disqualified or felt they might be disqualified in this regard. To cover the problem which arose, although not directly covering the statement in subsection (4) we have a prepared submission which would add a sixteenth subsection to this section. You have it before you now.

(16) A member, his spouse and dependants, shall be deemed to continue to be ordinarily resident, unless a contrary intention is clearly established, in the electoral district that the member represents.

Any questions on that?

Mr. MCGEE: Yes, why do we not say what we mean?

The CHAIRMAN: What do you feel we mean, Mr. McGee?

Mr. MCGEE: I think what we mean is, we want to give a member of parliament the choice of voting either in his own constituency or Ottawa, or are there other possibilities involved in it?

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): I thought the feeling of the committee was to prepare an amendment to sort of protect his right of voting in the constituency he represents, but at the same time the member could still qualify to vote in Ottawa.

Mr. MCGEE: It means Ottawa, though, and not anywhere else?

Mr. CASTONGUAY: Well, it means whatever residence the member has in Ottawa, wherever it is located, while attending parliament, he meets the ordinary residence qualification to vote in Ottawa. But the problem that was brought to the committee's attention was the fact that in the past, in many general elections, members of the House of Commons had to wrestle with this problem in so far as the residence they had prior to their election was concerned. They rented or sublet it and they thought they did not meet the rules of residence in so far as the act was concerned to permit them to vote in the constituency they represented.

Mr. MCGEE: I appreciate that. I am wondering about the wording.

Mr. MONTGOMERY: I think may be it is all right. For instance, a member is a member of parliament apparently until election day, is that right?

Mr. CASTONGUAY: A member for purposes of Elections Act is defined under section 2 of the Canada Elections Act, so a definition is provided in the interpretation section of the Canada Elections Act for a member. This would not take in a member who sold his house. This would definitely be a contrary intention.



Mr. BELL (*Carleton*): The point of view I have on this is where a member has never at any time been ordinarily resident in the electoral district which he represents. This seems to give him a place of ordinary residence where he has never in fact had it. I think that is a quite common situation. I think Mr. Webster has quite a number of members residing in his constituency, that he represents several members.

Mr. WEBSTER: There are four living in my riding.

Mr. CASTONGUAY: This could be clarified to establish that the member must have ordinarily had a residence in his district prior to the election.

Mr. MCGEE: I am aware it has happened that an individual who owned a house in the constituency he represented ultimately had to sell that house in order to buy a house in Ottawa. Do you indicate that in that case this should deprive him of his vote in his own constituency in the next election?

Mr. CASTONGUAY: Yes, he has no place of ordinary residence in his constituency that he can return to at will.

Mr. MCGEE: Is that not penalizing a person who is in a certain economic category?

Mr. WEBSTER: You can always rent a room.

Mr. MCGEE: Why do we not say what we mean? If we want to give a member of parliament the opportunity to have a vote in the Ottawa district or the district he represents why do we not say that?

Mr. RICHARD (*Ottawa East*): I think we are mixing up two things. A person from any riding can be a candidate for any riding in Canada, but Mr. McGee's meaning is that we would be establishing a privilege for a member to vote in a riding in which he does not reside. He has a right to vote even if he does not reside in his own constituency, the constituency which he wants to represent, for example. If you want to run in Gaspé you are free to run in Gaspé, but if you have never had a residence there or do not have a residence at the time of election I do not see why you should have the right to vote in Gaspé.

Mr. MCGEE: I think it boils down to the right to vote for yourself.

Mr. RICHARD (*Ottawa East*): You should not have the right to vote for yourself because you want to hop all over the country.

Mr. WEBSTER: I do not think so. I think you should stay put—either miss your vote or go down into the constituency and rent a room.

The CHAIRMAN: How do you wish to dispose of this draft amendment?

Mr. PICKERSGILL: May I ask which amendment is under consideration? I am sorry I was not here.

Mr. MCGEE: Section 16.

The CHAIRMAN: This is a proposed new subsection to section 16.

Mr. PICKERSGILL: Oh, yes.

Mr. MONTGOMERY: This bothers me a little bit. Mr. Castonguay said—

Mr. PICKERSGILL: This is said to continue the ordinary residence.

Mr. MONTGOMERY: That would indicate he had changed his residence. I do not like that interpretation because, for instance, I have a home; it is a pretty big one, bigger than my wife and I need now. I might sell that, and it would not be with the idea of buying a house in Ottawa. I would still make my domicile, as far as I am concerned, in my own home town and I might be looking around to buy another one. I might rent a place. Of course I presume if I rented a place there that would meet your interpretation, but you might be in the spot where you had not rented; you might be living in a room in a hotel or living with a relative.

Mr. CASTONGUAY: In that instance that would be your place of ordinary residence, whether you are renting or whether you bought a house. So if you sell your original domicile you might be living somewhere while you look for another, you would be renting a place or living at a hotel. If you were doing that it would meet the ordinary residence requirements; you would be acquiring a new residence. If you sell your house you have to live somewhere, and wherever you are living, under any circumstances, is your residence for purposes of the Canada Elections Act. So there is never a vacuum as far as place of residence is concerned under that particular provision.

Mr. MONTGOMERY: I was afraid if you meant if a person sold his residence—

Mr. CASTONGUAY: If a person sold his residence and moved to another constituency I think he has lost all claim to residence in the constituency where his house was situated. It is wherever he acquires a new residence. He may acquire a new residence in the same constituency.

Mr. MONTGOMERY: But you might be living up here for the session. It is just a little bit too technical, really.

Mr. WEBSTER: If you were living here when the election was called, you would gallop back to where you came from and get in a hotel room and get registered there.

Mr. MONTGOMERY: Yes, but I was wondering whether the interpretation that was mentioned a few moments ago would be different to that.

Mr. PICKERSGILL: I just read this thing. Does not the plain language of this section mean that if you were ordinarily resident in the constituency, that you continue to be? To a person like me who has never been resident in my constituency, I could not possibly be covered by this; but someone like Mr. McGee, who had sold his house and bought a house in Ottawa because of his children, would not lose that residence unless he indicated a contrary intention quite clearly, and living in Ottawa for the purposes of attending this session would not indicate a contrary intention. If he moved to Parkdale or to Hamilton or to some place like that I think it should, but not going to Ottawa.

Mr. AIKEN: Might I suggest, Mr. Chairman, a different wording for this section, and perhaps in the reading of the wording explain what I have in mind? I would suggest maybe something like this:

A member, his spouse and dependants, shall not be deemed to have changed his place of ordinary residence solely because of having moved to Ottawa or district for the purpose of carrying out his parliamentary duties.

I think that is really what we are getting at—he shall not be deemed to have changed his ordinary place of residence solely because of having moved to Ottawa or district for the purpose of carrying out his parliamentary duties. I think that is what we mean.

Mr. BELL (*Carleton*): I think that comes closer to what we have in mind and I suggest, Mr. Chairman, we leave it with the chief electoral officer to take up with the Department of Justice, and see if they can come back with another draft.

Mr. CARON: I think it is an apt suggestion.

Mr. RICHARD (*Ottawa East*): I think we should take this very seriously. I am quite in favour of allowing the Department of Justice to handle the drafting of it, but we must show our intention of what we want to put in the section. If it is clear that is what we want, allow the Department of Justice to draft it. But what do we want to put in the section? I am in favour of the last suggestion.

The CHAIRMAN: I think the suggestion is that we take note of the wording of Mr. Aiken, have the section redrafted, and we will have a look at it at the next meeting. Is that procedure agreeable?

Agreed.

Mr. MCGEE: Then the committee is not in favour of the proposition I put forward, that a man who is running for election in a constituency has a right to vote for himself? This is not acceptable to the committee, is that correct?

Mr. BELL (*Carleton*): It is not to me.

Mr. MONTGOMERY: I do not think he has the right to vote if he does not live there.

Mr. PICKERSGILL: I would be absolutely against that. It seems to me if you have never lived in the riding you should not be entitled, because it is the people of that district who are electing the member. Suggesting that one candidate because he happened to be a member before should have the right to vote, when other people do not, seems to me to actually defeat our whole objective.

The CHAIRMAN: We will take this up again in the amended form and look at it at a subsequent meeting.

Now, another item which we stood, section 15. You have that before you, gentlemen, subsection (3) of section 15, and so on. This is the second sheet you have.

Subsection (3) of section 15 of the said act is amended by striking out the word "and" at the end of paragraph (c) thereof, by repealing paragraph (d) thereof and by substituting therefor the following paragraphs:

- (d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate; and
- (e) any agent having a written authorization from a candidate pursuant to section 34.

Are there any comments on this proposed amendment?

Mr. CARON: That seems to cover pretty well what we wanted the other day. One for each 500 electors—I think that is what we wanted the other day.

The CHAIRMAN: Is this satisfactory to the members?

Mr. MONTGOMERY: How broad is the word "agent" in section 34?

Mr. CASTONGUAY: No, this must be an accredited agent, and the candidate must sign his appointment form so that this is limited to the accredited agent.

Mr. MONTGOMERY: Would he have qualified control or would he be considered an ordinary employee? It is a bit technical, I assume.

Mr. CASTONGUAY: I would imagine that would come out of your ordinary expenses, your \$2,000 for personal expenses. This man would be driving you around there to meetings, so I would imagine you could declare that.

Mr. MONTGOMERY: And he would not be disqualified?

Mr. CASTONGUAY: No.

The CHAIRMAN: Anything further on this? Are we agreed.  
Agreed.

The CHAIRMAN: Section 16, subsection (7), dependents of clergymen and teachers. The section is found at page 164, bottom of the page. You have the proposed amendment before you.

(7A) The election by any person pursuant to subsection (7) shall be deemed to entitle the wife and dependants, if any, of such person, if otherwise qualified, to be included on the list of electors for the



polling division in which such person is ordinarily resident at the time of the application and to vote at the polling station established therein.

Mr. BELL (*Carleton*): I would like to be clear, Mr. Chairman, that this in its present phraseology would not disqualify a wife from voting in the constituency from which the clergyman or teacher has just moved. What frequently happens is, a clergyman or a teacher may move, but the wife stays behind for a period of time. In that case I think she should have the right to vote in the riding where they were formerly resident. I am not sure if this language would take care of that.

Mr. CASTONGUAY: Well, subsection (7), halfway through you will notice, the fifth line, "if he so elects". In this particular subsection (7A) we put the word "election" by any person pursuant to subsection (7) shall be deemed to entitle the wife and dependants. So if the clergyman elects to vote in one place the wife would be entitled to vote at the other place. She still would be allowed to vote at her original place of residence. She has the right of election.

Mr. BELL (*Carleton*): That is all I wanted to be clear upon.

The CHAIRMAN: Anything further? No one suggests that the word "spouse" be substituted for the word "wife"?

Mr. PICKERSGILL: As a matter of fact I was listening to the radio this morning and there are female clergymen now.

The CHAIRMAN: Yes, there are, and some of them are married.

Mr. MONTGOMERY: We had better change it.

The CHAIRMAN: Is that agreeable?

Agreed.

The CHAIRMAN: On section 17, schedule A, Mr. Castonguay has some suggestions with respect to special revising officers. Have you any comment on this matter, Mr. Castonguay?

Mr. CASTONGUAY: This is the draft proposal for special agents.

Mr. PICKERSGILL: I wonder if I could get a copy of these documents?

The CHAIRMAN: It is in the evidence, No. 5, page 149.

Mr. BELL (*Carleton*): What are Mr. Castonguay's views on the suggestions made by Mr. Aiken, which I thought were very sound, about changing the name?

Mr. CASTONGUAY: I was not particularly fond of the words "special agent". I agree with Mr. Aiken and I think his suggestion is a very good one. I would be happy if the committee would care to change the words "special agent" to "revising agent". I arrived at the words "special agent" because these election officers would be acting as agents to the electors. To try and keep it consistent with the word "agent", in so far as it referred to the revision in the urban area, I am afraid I got into a one-track mind and only could think of the words "special agent". But I think Mr. Aiken's suggestion of "revising agent" is excellent.

The CHAIRMAN: Another question on this? If there is anything further on this—Mr. Aiken's objection to the expression "special agent"—he is probably thinking of "Special Agent K-7." But "revising agent", is it your pleasure that the expression "special agent" be revised to the expression "revising agent" throughout the draft; is that agreed?

Agreed.

The CHAIRMAN: Is there anything further on this document?

Mr. BELL (*Carleton*): This is a very major advance, I think, in our legislation.

The CHAIRMAN: Anything further? We discussed it in considerable detail at a previous meeting. We are prepared to move on, if that is the wish of the committee?

Mr. CARON: Those special agents will be recognized as special agents for the preparation of the list?

Mr. CASTONGUAY: They will be nominated in the same manner as enumerators for urban polling divisions.

Mr. RICHARD (*Ottawa East*): And their efficiency, I suppose, depends on the deputy returning officer?

Mr. CASTONGUAY: No, this is a completely different operation. The revising agents would function after the enumeration and up to the last day of revision.

Mr. RICHARD (*Ottawa East*): But under whose direction?

Mr. CASTONGUAY: This is only for urban polling divisions. They would be nominated by the candidate at the preceding election who polled the highest number of votes. They would be working under the returning officer during the period between enumeration and the commencement of the revision. During the period of revision they would be working under the direction of the revising officer and the returning officer.

Mr. RICHARD (*Ottawa East*): It depends whether the returning officer puts them to work. If he does not follow them up they could easily be inefficient.

Mr. CASTONGUAY: It is the same thing with every other election officer.

Mr. PICKERSGILL: It depends on how bright the candidates are.

The CHAIRMAN: If there is nothing further we will take it that we are agreed to this important amendment.

Mr. MONTGOMERY: There will just be the two special revising agents?

Mr. CASTONGUAY: There will be a pair of revising agents for each revisal district. A revisal district would consist of about 35 polling divisions, or in an electoral division of 100 urban polling divisions there would be three teams of revising agents.

Mr. MONTGOMERY: Then in towns that would have less than 35 polling divisions—

Mr. CASTONGUAY: —they would have one. There would be one revisal district. There may be some towns with only 20 polling divisions and that would be a revisal district with a pair of revising agents.

Mr. MONTGOMERY: And the appointment is by the sitting member plus—

Mr. CASTONGUAY: —the runner up at the previous election.

Mr. MONTGOMERY: Works satisfactorily?

Mr. CASTONGUAY: The same principle as the nomination of urban enumerators that is now in the act.

Mr. MONTGOMERY: Rather than the revising agents—the two enumerators—

Mr. CASTONGUAY: They compile the list.

Mr. MONTGOMERY: In my experience they have never been too careful, and I wonder if this is going to mean that they will say, "Oh, well, this person is away and I won't go back, he will be picked up by somebody else."

Mr. CASTONGUAY: I have no fears in that regard. I think the enumerators, as a whole, do an excellent job in their work. You must remember it is pretty much of a crash operation. They have to be out and collect these names in six days I think they are very well intentioned and I think they sometimes meet difficulty in getting information from the various dwellings, especially in the case of boarding houses where the landlady is definitely allergic to giving the names of her boarders because she might be assessed some city

taxes. I do not think you can blame solely the enumerators for missing all the names. I think there is a lack of cooperation on the part of some of the housekeepers. Maybe some enumerators are not too diligent in their duties, but on the whole I think they do splendid work. I think you must forgive them for errors of omission. I have rarely found errors of commission, but there has been a vacuum after the enumeration, as far as getting people to follow up on complaints made to the returning officer that names have been omitted. This would be a tremendous help.

Mr. MONTGOMERY: These people will not complain very much until election day when they go and find their names omitted from the list, and then they get mad.

Mr. CASTONGUAY: I doubt very much if the enumerators will understand the mechanics of the election well enough to understand that somebody else will be following up to do their work.

The CHAIRMAN: Are we agreed on this?

Agreed.

The CHAIRMAN: Schedule A of section 17. Any questions or comments on this?

Mr. BELL (*Carleton*): May I raise a question in connection with rule (9), page 174? It relates to the matter which we have just been discussing. Rule (9) requires an enumerator, after attending at a dwelling place on two occasions, to leave a notification card. I wonder if it would not be possible to extend that, so that a list of these places where a notification card has been left is placed in the hands of the revising agent?

The CHAIRMAN: That could easily be done.

Mr. WEBSTER: In other words, have the cards in duplicate.

Mr. BELL (*Carleton*): Yes, so that the revising agents we have been talking about would have a list of those notification cards and it would be part of their responsibility to go and try and pick these people up.

Mr. CARON: They could have a duplicate and send the duplicate to the revising agents.

Mr. CASTONGUAY: I think the mechanics would be for the revising agent to get a list of these notification cards and that would be their initial work, to start off. If you wish I can have a draft prepared on that.

The CHAIRMAN: Is that agreed?

Agreed.

The CHAIRMAN: Anything further on schedule A?

Mr. CARON: Is there anything there which has not functioned very well in the past, according to your experience?

Mr. CASTONGUAY: Well, the urban enumeration and the revision function to my satisfaction. There are not too many complaints.

The CHAIRMAN: If there is nothing further we will move on to schedule B.

Mr. PICKERSGILL: I would like to put the same question that has just been put by Mr. Caron with respect to schedule B. Is there anything that the chief electoral officer thinks is not satisfactory to him?

Mr. CASTONGUAY: Again schedule B functions satisfactorily. I have no suggestions to make to improve it.

The CHAIRMAN: If there is nothing further we will move on to schedule B. I have never had any complaints.

Mr. BELL (*Carleton*): I wonder if the chief electoral officer would comment on the suggestion that perhaps we are spending too much money in revising the rural lists in schedule B. Every enumerator sits for a day as a revising



officer. Is that really necessary, in view of the fact that they are open lists; and is there in fact any real revision that takes place? Perhaps the chief electoral officer would have an idea what the cost of the revision is and whether it is really effective at all.

Mr. CASTONGUAY: The cost of the revision—we have approximately 21,000—at least at the last election 21,000 rural enumerators.

Mr. BELL (*Carleton*): Paid?

Mr. CASTONGUAY: They are paid for that one day of sitting \$15. That would be the cost of the rural revision.

In so far as the need for rural revision is concerned, I think that electors get angry in the rural districts at having to take the oath if their names are missed and being vouched for at the poll. This is a problem that comes up. This very same question was studied by previous committees, and the feeling of the committees at that time was that they were reluctant to cancel this provision in view of the fact that they wanted as complete a list in the rural as they had in the urban. You must remember you have six days to collect, roughly, four million rural names, and you are going to miss quite a few in those six days. I think there is a need for it, and whether the expense is justified, I do not want to comment on that.

Mr. PICKERSGILL: I think there is another reason than you gave and that is this, that there are still a good many electors who, if their names are not on the list, would never go to the polls at all. They just think they have, for some reason or other, been deprived of their vote, and I think for this reason make certain that their names will be on the list. It is therefore quite important.

Mr. BELL (*Carleton*): Is our rural list in fact revised to any extent? They do not appear to be in my constituency. I have about 60 rural polls and I do not think I have had more than a couple of revisions in each election. Perhaps Mr. Pickersgill's experience is different from mine. Does he receive revised lists from his rural polls?

Mr. PICKERSGILL: I cannot honestly say.

Mr. CASTONGUAY: I did review those figures in 1953, and I think there were as many names added in the rural, if not more, than there were in the urban. This was during the period of revision.

Mr. HOWARD: Does not this revision of rural lists also permit them to object to names and strike them off?

Mr. CASTONGUAY: Yes; objections, corrections and additions.

Mr. HOWARD: It would be easier to do it then than on voting day.

Mr. CASTONGUAY: Yes, they could be struck off before voting day.

Mr. BELL (*Carleton*): I do not question the matter, Mr. Chairman. It just looked like \$315,000 that possibly could be saved.

Mr. PICKERSGILL: It all represents income to a lot of people, you know.

The CHAIRMAN: Is this agreeable? I think if there is nothing further on section 17 or the two schedules thereto, with the exception of rule (9) of schedule A upon which the chief electoral officer will bring along a suggested amendment next day, we might proceed.

All right, after the disposition of section 17 we move on to section 18, proclamation by returning officer, found at page 186. Any comment on this?

Mr. PICKERSGILL: I must confess I have never read section 18 before in my life. Would someone explain why the proclamations are in English and French in Quebec and Manitoba and in English only in all the other provinces?

Mr. CASTONGUAY: I cannot give you an explanation, but it has been that way for some time.

Mr. CARON: Would it be cheaper if it was all the same?

Mr. PICKERSGILL: I was thinking of the historical reason, but there is no practical reason why Manitoba should have been selected when you compare it with Ontario and New Brunswick.

Mr. MONTGOMERY: I was going to say I think New Brunswick needs it as much as Manitoba.

Mr. BELL (*Carleton*): I think it should be left to the discretion of the chief electoral officer.

Mr. CASTONGUAY: I would prefer the committee to make a decision on this. There has not been any discussion on this particular section during recent years. This is also in another section.

The CHAIRMAN: Probably there have been no discussions since about 1871.

Mr. CASTONGUAY: There have been no representations made to change this particular section.

Mr. PICKERSGILL: As a matter of fact, I have two or three members of the House of Commons I could bring in here and have it challenged pretty quickly.

Mr. MANDZIUK: I see no objection to this, Mr. Chairman. I think Manitoba is as bilingual as Quebec.

The CHAIRMAN: Do you wish to continue, Mr. Mandziuk?

Mr. PICKERSGILL: I certainly, as a Manitoban, do not want to be thought—

Mr. MANDZIUK: I am certainly more Manitoban than you are, Mr. Pickersgill. I have never left Manitoba.

Mr. PICKERSGILL: I will not argue about that, but I would not wish to deprive Manitoba or Manitobans of anything they now have. I was wondering about the distribution to some other districts.

Mr. MANDZIUK: I would not go into the historical reason for it, but I think it is expedient to leave well enough alone.

Mr. PICKERSGILL: As a matter of fact I think it certainly ought to be extended to the province of New Brunswick.

Mr. CARON: Is there any special reason why it should not be uniform all over the country because, while the two languages are supposed to be official for federal purposes, I think it would hurt nobody, because we are all in the same boat, we are both French and English?

Mr. MONTGOMERY: There would be an awful kick in some places.

Mr. WEBSTER: I think British Columbia and Alberta might have a few objections.

Mr. BELL (*Carleton*): There would be the printing problems in some places. There are some constituencies where you would not find printers who could print both French and English.

Mr. CARON: Is that printed locally?

Mr. CASTONGUAY: Yes. Then there would be the other difficulty of obtaining qualified translators.

Mr. MONTGOMERY: Mr. Chairman, I would like to see this in New Brunswick in those electoral districts predominantly French. I do not think they particularly demand it, but I would like to see it. Then there are other sections of New Brunswick that I am afraid would not want it.

Mr. CASTONGUAY: If I may assist the committee. On this particular problem whenever a request is made from responsible sources, I endeavour to meet the bilingual wishes of that area. At the last election I received only one complaint about bilingualism and it was from an English-speaking person

from Montreal, who thought there should be bilingual forms in that respect. I am not saying there were not more complaints made to the returning officers, but wherever this problem came up and the returning officer requested French publications they were supplied to him.

Mr. MONTGOMERY: I think that is the fair way.

Mr. BELL (*Carleton*): In a constituency like Gloucester or Glengarry-Prescott is the proclamation printed in both languages?

Mr. CASTONGUAY: I would have to look it up. I have tried to meet the wishes of all people. I have all kinds of forms to suit their needs.

Mr. RICHARD (*Ottawa East*): He could have it if he wants it?

Mr. CASTONGUAY: Yes; if they are French we give them French forms and English are supplied English forms. We endeavour in bilingual areas to have bilingual forms supplied.

Mr. MCGEE: You do not feel you need any addition to this to carry that on?

Mr. CARON: You have the power to do it?

Mr. CASTONGUAY: Yes, and I have endeavoured to do so. I think it would be a fairly good yardstick for the committee that I have only had one complaint at the last election. I think on the average if there were grounds for more complaint they would come right to me.

The CHAIRMAN: Mr. Pickersgill expressed some concern about the specific enumeration of certain provinces.

Mr. PICKERSGILL: No, heaven forbid that one should take anything away. I was just struck by the fact that Manitoba was specifically mentioned and as a historian I wondered why. I can make a pretty good guess.

The CHAIRMAN: Are you interested in making any suggestion?

Mr. MCGEE: I think it is clear the chief electoral officer has specified that the wishes in this regard are being dealt with.

The CHAIRMAN: That still does not deal with Mr. Pickersgill's objection about the names of the provinces.

Mr. PICKERSGILL: I am not making any complaint. I think the problem is a real one in New Brunswick and in certain parts of Ontario, but it is being met directly.

The CHAIRMAN: Any further questions on section 18?

Agreed.

The CHAIRMAN: Section 19, qualifications of candidates, found on page 187.

Mr. HOWARD: I have only the thought that this would have a connection, I think, if we decided to alter the voting age. Perhaps we should at that time consider whether the voting age should be reflected in the age of the candidate also. If we do, say, pass section 19 perhaps we should do it with that understanding, that the two are connected, because we postponed discussion of that previously.

The CHAIRMAN: Well, we can stand section 19.

Mr. HOWARD: It is immaterial.

The CHAIRMAN: Section 20, persons ineligible as candidates.

Mr. BELL (*Carleton*): What is the historical reason for (e)? It does not seem to me in this day and age there is any reason to prohibit a sheriff or a registrar of deeds or a clerk of the peace or a crown attorney from being a candidate, any more than any other similar officer. Could we specifically eliminate this now? Why these people and not the registrar of the superior court, the clerk of the county court or district court, who are officers in the same category as these persons?



Mr. MONTGOMERY: Would these be appointments by the federal government? In my province, of course, they are not.

Mr. BELL (*Carleton*): They are all provincial.

Mr. MONTGOMERY: But I suppose they are federal appointments?

Mr. CASTONGUAY: On a matter of principle such as this I would refrain from being briefed or acquiring any knowledge of these matters, because I think it would be improper for the chief electoral officer, to comment on historical principles of the Act.

Mr. AIKEN: I think the sheriff is generally on the electoral board.

Mr. RICHARD (*Ottawa East*): The crown attorney would have the function as a crown attorney in the riding for a proceeding against any infringement of the Canada Elections Act. For that reason he is not impartial, in a sense. There must be some reason.

Mr. PICKERSGILL: But so are the deputy returning officers and poll clerks connected with the operation. I would not have thought that the mere fact that he voted would make it less likely that he would uphold the law.

Mr. BELL (*Carleton*): Mr. Pickersgill was suggesting this was a matter of voting. This is a matter of candidates. It seems to me this either goes too far or does not go far enough. If there is a reason to eliminate these people, there are a lot of other provincially appointed officers who are in almost identical situations. Of course we know for a fact that in one province, at least, every election there is a parade of crown attorneys resigning and being reappointed immediately after the election. This has been happening for many elections.

Mr. MONTGOMERY: Any one of these persons may resign if he is nominated as a candidate. He can resign, can he not? I do not see how a member of parliament, at least outside of Ottawa—he may in Ottawa—he cannot act as sheriff, he could not fulfil the duties, although neither could he fulfil the duties of registrar of deeds or clerk of the peace.

Mr. PICKERSGILL: These are candidates. This is not a qualification to be a member. Surely it is not our business to decide whether or not someone electing to be a member of parliament continues to fill a provincial office. That is the business of the people of that province, not ours. I think the more I look at this, the more completely I agree with Mr. Bell. I do not see any sense at all in picking out a few provincial civil servants and denying them the right to be a candidate at a federal election.

Mr. CASTONGUAY: This section 20 is identical to a similar section of the House of Commons Act.

Mr. PICKERSGILL: Yes. As far as I can see, as far as sheriffs are concerned, we do not want him to be a member of parliament from the point of view of being sheriff of the Northwest Territories. One job would not be done well.

Mr. RICHARD (*Ottawa East*): This might be a question where we would require some advice from the Department of Justice. This is probably just a legal problem.

Mr. AIKEN: Mr. Chairman, might I add to what Mr. Richard has said? I think it is more than a legal problem. I think it is a moral problem, because these people are all holding a public office provincially. If they were allowed to be candidates, the presumption is that they may hope to be elected, but if they could not be elected then it is rather incongruous to allow them to be candidates unless the House of Commons Act is changed as well. The other thing is that these people, having run as candidates in the federal election,

would become—I would not say unacceptable to hold public office, but they would be in the very, very difficult position as partisans in holding a senior civil service office in the provincial government.

Mr. CARON: It might be because they might use their office during the election not to the satisfaction of everybody.

Mr. RICHARD (*Ottawa East*): Take a crown attorney, for example. In some areas he would be very influential during the election.

Mr. AIKEN: He might have to prosecute his opponent.

Mr. CARON: That may be the reason it was put there and stayed there because it must have been discussed in 1953 and before. The suggestion made by Mr. Richard is a very good one, to ask the Department of Justice why it is there. They must have a reason for that.

Mr. CASTONGUAY: The Department of Justice would not have the reason for it.

Mr. RICHARD (*Ottawa East*): But they might see some reason why it should stay there.

Mr. PICKERSGILL: I would not be worried about a Tory registrar of deeds running against me. I would not suspect that he would not register the deeds properly, and all offices the registrar of deeds is the most silly one. I cannot for the life of me see any good reason, but I think Mr. Richard's suggestion that we might ask the law officer about it is a good one.

Mr. BELL (*Carleton*): I think the member for Colchester-Hants was registrar of deeds, and it was necessary for him to resign in order to be a candidate; whereas if he had been the registrar of the Supreme Court of Nova Scotia he would not have. I see no logic in that.

Mr. PICKERSGILL: It seems to me we are today aware of the increasing number of people who are not able to serve in parliament by laws that impose disabilities upon themselves, if in fact they fail to be elected.

Mr. RICHARD (*Ottawa East*): You still have the House of Commons Act.

Mr. PICKERSGILL: Oh yes, I can see certain incompatibilities between these officers who are actually serving, but that could be taken care of before he takes the oath.

Mr. RICHARD (*Ottawa East*): If he cannot serve why should he be a candidate?

Mr. PICKERSGILL: But he can resign, and if he fails in the election he could still have his job.

Mr. RICHARD (*Ottawa East*): That is the point; should he be a candidate if he cannot serve?

Mr. PICKERSGILL: I say he should.

Mr. MONTGOMERY: I suppose it happens very rarely that if a man wants to run he is not very particular about the office he holds, and he just resigns.

Mr. PICKERSGILL: Yes. I do not know what the laws are in the various provinces, but there are superannuation provisions and if you interrupt your service you will be losing something. Why should you have to lose that to perform your civic function?

Mr. WEBSTER: Could they not take leave of absence?

Mr. AIKEN: They are still registrars.

Mr. BELL (*Carleton*): We have had as many as 40 who have resigned on nomination day and were reappointed the day after the election.

Mr. PICKERSGILL: That is all right for crown attorneys, but some of these officers have probably had pension schemes; and interruption of service would mean they would lose some of their rights.

Mr. MCGEE: Do you want to move that it be deleted?

Mr. PICKERSGILL: If Mr. Bell moves it I would second it.

Mr. BELL (*Carleton*): Yes, I will move it.

Mr. GODIN: There should be a difference between the legislative body and the administrative body in the province, and until we can foresee that people in the administrative branch would like to become part of the legislative branch and they run at an election and fail and then they carry on their duties, I doubt that the political ambition they had—whether they are Liberals or Conservatives—has an effect on the administration. In other words, your administration would become to a great degree known to the public as being political, which I think is very bad. I think that is the background of this thing.

Mr. HODGSON: Most of them are old defeated candidates anyway. In my riding it happens to be a defeated Liberal candidate.

Mr. GODIN: I can well see that a member who is elected and who chooses to join the legislative body of this country and fails, and possibly will find himself being what is part of the party which was defeated, is not in a position in the eyes of the public to perform his duties impartially, which we request when we appoint him. I think some of these appointments are made by the legislative bodies of the various provinces, or the federal, and this thing would get involved in the problem of dismissals and so on for those or similar grounds. In other words it would be a step to create definitely much more politics in the administration of our affairs, which we all are trying to do away with.

Mr. BELL (*Carleton*): May I just say in reply that, what Mr. Godin says would indicate that we ought to add a great many more people to this particular section, thus increasing the incongruity of it. In my area we have two systems of land service; we have the registry office system and the land titles system. The local master of titles is entitled to be a candidate for election, but the registrar of deeds is not. The sheriff is not entitled to be a candidate, but the local registrar of the Supreme Court of Ontario is, and one could repeat this so many times.

If you are going to adopt what Mr. Godin says then you would have to extend this to cover a lot of the county and local officers of this type. I think we would be better to abandon it completely and let the provinces handle these people.

Mr. RICHARD (*Ottawa East*): That may be so; the section is not full enough. But I still think we have got to be careful about the number without the qualification and the ability to serve, and I think you cannot get away from that. The House of Commons Act says to serve you must have certain qualifications, and if you cannot serve you do not have the qualifications. That is why this was put in here, that people had to resign their office if they wanted to run as candidates. If a man wants to be a candidate and if he is a crown attorney, surely it is serious enough for him to resign. He cannot have it both ways. If the list is not exhaustive, if you want to include a registrar in it, I do not see why a registrar of deeds cannot be elected. But others like crown attorneys and sheriffs are certainly positions which make it difficult for the public to accept them as easily after the election.

Mr. PICKERSGILL: I would like to say in respect of the motion, I think so far as federal servants are concerned, it is incompatible to be a member of the federal public service and candidate for a federal election. But I think we are minding other people's business and not our own when we start making laws about what provincial officers can or cannot do. I think this subsection (e) is a much more fundamental intrusion into provincial affairs than many things that a lot of people have said were intrusions.



It is precisely for that reason that I support Mr. Bell very strongly. I think it is up to the provincial legislature in its wisdom to say whether a sheriff can be a federal candidate. It is their business, not ours. Why we should take two or three provincial officials and say those people are ineligible although they are citizens of Canada—ineligible to offer themselves for election while they still hold their office—is none of our business. Once they have been elected, then we have a perfect right to say they are ineligible to go on holding that office and sit in the House of Commons, because that is our business. But to say they cannot be a candidate for the parliament of their country without giving up their livelihood seems to me to be an unfair disability placed upon citizens who are not servants of the government of Canada.

Mr. MCGEE: I was just going to ask the previous speaker how he made this shift on provincial rights. Do you say then that this should come out of this section, but it should be left in, as is, in the House of Commons Act?

Mr. PICKERSGILL: I am just enunciating the general principle that parliament has a perfect right to say what is compatible with sitting in parliament. That is an unquestioned federal function. But for us to throw any disability upon the right of a citizen to be a candidate of the parliament of this country, that has nothing to do with the federal body and that has to do with servants in the provincial field, seems to me to be minding other people's business.

Mr. RICHARD (*Ottawa East*): Of course registrars are named by the provincial government too, and they are not allowed to be candidates.

Mr. BELL (*Carleton*): Certainly a magistrate can be a candidate.

Mr. PICKERSGILL: And I think this so-called county judge or the equivalent of a county judge in the province of Quebec can.

Mr. GODIN: We are only discussing the six-week period.

The CHAIRMAN: Will the members please direct their views to the meeting through the Chair?

Mr. GODIN: We are only discussing, then, a period of six weeks during the course of the election, but if there is another statute which would regulate—

Mr. PICKERSGILL: Yes.

Mr. GODIN: In other words, a person by being elected to parliament would find himself in a position of resigning his position, and we are only saving his life by permitting him to run.

Mr. PICKERSGILL: And be defeated.

Mr. GODIN: I do not necessarily follow that opinion, because it is of very small assistance to throw into the administration. But there may be a point in the fact that these appointments are provincial, not that I feel it absolutely, because even the judges we appoint, except in the Supreme Court administration, definitely are not allowed even to vote. I think we should consider that not only the judges of this country administer justice and other branches of our service, and it would be a very narrow line to strike that can say only judges that are appointed actually in the provinces are in a class by themselves and all other people working under them and for them in the administration of our laws are not in a similar position. I think I would be in favour of obtaining legal advice on that from the department.

Mr. MONTGOMERY: Mr. Chairman, I have some sympathy with Mr. Bell's motion and Mr. Pickersgill's argument, but there are two officers. The sheriff is responsible for keeping the peace, and if there is any time that they need a man responsible for keeping the peace it is on election day, and maybe at certain meetings around election day. I cannot conceive of permitting a sheriff to be a candidate until he resigns his office before he becomes a candidate, because you cannot have two sheriffs. The sheriff is responsible for keeping the peace and if he is going to be a candidate he certainly would have a very

difficult job to be impartial. I still maintain that the sheriff, while sheriff, should not be a candidate. The 'crown attorney' part is something along the same line, although not so much so. I can see where the justice of the peace or a clerk of the peace or the registrar of deeds could be eliminated. I do not see that there is too much to be concerned about there; but I am concerned about the sheriff. We have had an experience in my own constituency where the sheriff won a nomination, he resigned, he was a candidate and we thought so much of him we gave him an acclamation. He spent his four years up here, did not like it, and came back and we appointed him sheriff again. I do not see any harm, but at least the sheriff and crown attorney are the same as far as that is concerned. I think it is obligatory.

The CHAIRMAN: We have a motion before us that this subsection be deleted. Are we ready to deal with that motion?

Mr. CARON: We should add the point—

Mr. GODIN: The motion is to the effect of striking out subsection (e)?

The CHAIRMAN: Yes.

Mr. GODIN: It may be there would be an argument for certain classes of people mentioned in there. In other words, it would seem to me that if we are going to permit that we should possibly add a clause replacing it with these people, or I would be in favour of retaining it possibly after some advice. But there should be a clause in there which would permit these people holding these offices, and all other citizens holding public offices, to be entitled to express their political views and not have circular letters like we have seen in the last election being sent to people holding offices in the province, when they were forbidden in any shape or form to indicate their point of view—which I think is very wrong, towards our citizens. I think there should be a restriction as to the administrative body becoming part of the legislative but I think all people should be free in this country to express their opinions, whatever opinions they hold with some rare exceptions, such as judges and others. There should be a rule preventing the imposition on people of not being allowed to express their views in an election in our country.

The CHAIRMAN: This section deals with the ineligibility of candidates.

Mr. RICHARD (*Ottawa East*): I move an amendment to the amendment, that we strike out the words "registrar of deeds and clerk of the peace" and retain the section otherwise.

Mr. AIKEN: Mr. Chairman, is this on the floor for discussion?

The CHAIRMAN: It has not been seconded.

Mr. MONTGOMERY: I will second the motion for the purposes of the question.

The CHAIRMAN: Your amendment would propose the deletion of all except "registrar of deeds and clerk of the peace"?

Mr. BELL (*Carleton*): No, just the reverse: "all except crown attorneys and sheriffs".

Mr. RICHARD (*Ottawa East*): Retain crown attorneys and sheriffs.

The CHAIRMAN: That is precisely what I mean. The deletion of all others.

Mr. RICHARD (*Ottawa East*): The registrar of deeds only, just by eliminating the registrar of deeds, retaining the clerk of the peace, the sheriff, clerk of the peace or crown attorney, which will mean that I am eliminating the registrar of deeds. I do not see any purpose for that.

Mr. AIKEN: Mr. Chairman, I will have to declare that I will vote against both the motion and the amendment. I think if we are going to tinker with this thing we are going to establish a change in principle that has always been very well accepted, and that is that people holding offices of this type must

either be public servants or not. If they choose to run as candidates it has always been accepted, certainly in my part of Ontario, that they have to resign and take their chances.

I agree with Mr. Bell that this section is incongruous because it does prohibit some people from being candidates, while others in a very similar situation are not prohibited. I think the principle is still right as enunciated in this subsection (e), that these people should not be candidates.

The reason I would be against the amendment is that we are then tinkering with something and merely making worse a situation which is bad in the first place. I think that by merely striking out the "registrar of deeds" we are not doing anything practical. The registrar of deeds will not run as a candidate, you can be fairly certain of that, not while he is registrar of deeds.

I do not think we should meddle with it. I think if there is going to be a change in principle it would have to be on a very broad basis. I do not think fooling around with the section will help it very much. I will admit that there is a certain amount of unfairness to certain people and yet these are all provincial appointments, and therefore I think we should leave it as it is.

The CHAIRMAN: Now, we have had quite a long discussion on this item. I do not think it will be necessary to re-open a full general discussion on the amendment. You had something, Mr. Mandziuk?

Mr. MANDZIUK: I am inclined to support the sub-amendment in regard to disqualifying crown attorneys from holding office while holding the office of crown attorney. I do not know what interest they have in other parts of Canada, but I know in my own district there is only one crown attorney. He holds considerable influence over the police, the R.C.M.P., the people in his community and members of the bar. They have to deal with him on criminal matters. If he was a candidate and at the same time retained that office, and if he were a loser in the election, he is bound to be prejudiced against members of the bar who did not go along with him. I definitely feel that the crown attorney should resign if he accepts a candidateship in the political field. I support the sub-amendment.

Mr. PICKERSGILL: I wonder if I could—I am not introducing this in a controversial spirit, but I am wondering if Mr. Richard's amendment is in order. Mr. Bell's motion is to strike the clause out, and it seems to me it would be better to stick to Mr. Bell's motion, which it seems to me is going to be lost, and then have Mr. Richard give a separate motion. I for one would like to have Mr. Richard's motion if we cannot have the whole thing.

Mr. RICHARD (*Ottawa East*): I quite agree with that. When I moved that amendment I realized it was not proper because the main motion was to strike the whole thing out, and that any amendment should come after.

The CHAIRMAN: I will not certainly encourage a procedural discussion.

All right, are you ready for the vote on Mr. Bell's motion?

All in favour of the motion by Mr. Bell, seconded by Mr. Pickersgill for the deletion of subsection (e), signify by the extended right hand upwards.

Contrary, if any?

The deciding vote rests with the Chair. The Chairman casts his vote in favour of the negative.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I have no further motion to make.

Mr. BELL (*Carleton*): Then I move, Mr. Chairman, that we strike out the "registrar of deeds".

The CHAIRMAN: You are not referring to the clerk of the peace?



Mr. BELL (*Carleton*): I think in most cases the clerk of the peace and the crown attorney are one and the same.

The CHAIRMAN: Is this motion of Mr. Bell's seconded?

Mr. HOWARD: I will second it.

The CHAIRMAN: Ready for the question? All in favour? Contrary?

Mr. Bell's new motion is carried, *on division*.

All right, we have triumphantly disposed of subsection (e).

Mr. PICKERSGILL: I would like to raise a question about subsection (d). I have never seen the reason why that should be in.

Mr. GODIN: Double mandate.

Mr. PICKERSGILL: No, the right of a federal candidate to be defeated in a federal election without giving up his provincial seat.

Mr. HOWARD: The same argument as before, but more so.

Mr. PICKERSGILL: Yes. I do not see the slightest reason why members of the legislature should have to resign their seats in order to be candidates at a federal election.

Mr. HOWARD: And in any event, if the provincial legislature wants to make some determination on that ground that is their business.

Mr. RICHARD (*Ottawa East*): I do not think it is up to the provincial legislature to decide who should be a candidate for federal election.

Mr. HOWARD: No, what I am saying is that the provincial legislature, if it wants to determine what its own members should do, that is its business.

Mr. RICHARD (*Ottawa East*): But we can also decide who shall be a candidate in the federal election. I think the principle is much stronger in this case. For the same reason I had before—the only consistent person has been Mr. Aiken over there. I started to be consistent and I deviated for a minute. I think we should go along with the established principle about eligibility to serve.

Mr. GODIN: It seems to me that it makes a happy discussion here, that there is a distinction between the provincial legislature and the federal parliament. I can foresee where he would have a federal election, which would follow just a month before or two months before the provincial election where the problem in that province is that the federal election would simply turn upon the provincial matters, because three or four provincial candidates would care to run in the federal election, which would take place three weeks before the federal election. Surely there is enough confusion in our country in trying to make up the governing minds of our constituents that we should not enter into a scheme which is not a double mandate; but it is a double mandate for the purpose of discussion with our citizens, with the election at that time.

The CHAIRMAN: You are in favour of subsection (d)?

Mr. GODIN: Absolutely.

The CHAIRMAN: Anything further, gentlemen? We come down on the side of the *status quo*. Is that agreed.

Agreed.

Anything further in section 20?

Mr. HOWARD: Perhaps it may not be under section 20 and perhaps Mr. Castonguay can suggest to me what would be the applicable section to discuss this question under. It relates to leaves of absence being given to individuals to run as candidates in federal elections, that is, leaves of absence from their employers in industry. In many cases—and I have heard one or two—this has not been granted, because the person who wanted to

run as a candidate did not have the same political views as the employer, for argument sake. I wanted to raise the question of stating it in here in the act to grant leave of absence to individuals who desire to run as candidates. I think all the impediments possibly in the way of a person running should be removed. I do not know if this would be the proper section to deal with it.

Mr. CASTONGUAY: It would be a new principle. I do not know under what section you should bring it up, but it would have to be a new section at the end of the act. There is no principle like that established in the act now, so you would be creating a new principle and it would have to be established somewhere else.

Mr. HOWARD: You suggest at the end of the sections?

Mr. CASTONGUAY: At the end of the last one, a new section of the act.

Mr. HOWARD: Then, I will hold it up and bring it up later.

Mr. PICKERSGILL: I have another point directly relating to section 20, subsection (2), part A. I raised the question in the House of Commons after the 1958 election about the case of the two gentlemen who at that time occupied the positions of ministers without portfolio. They were candidates at the last election. They were receiving a remuneration from an amount that was not authorized by parliament. There is a question here whether you are holding office as a minister of the crown in a situation where you are a minister without portfolio, and receive a remuneration which has not been provided by parliament. It seems to me it is a point here that needs some clarification.

Members of the committee will remember that at that time parliament was dissolved without the particular estimate that had been put in for the first time being continued beyond January 31. The government went on by governor general's warrant and paid these two gentlemen. It seems to me it thereby rendered them ineligible for election, according to the law. At any rate it raised very real doubt and it does seem to me we should perhaps have this point looked at, let this section stand and have this point looked at with relation to the point raised at that time.

Mr. AIKEN: Mr. Chairman, I had some questions about the same section but it seems to be clearly indicated—whether or not I am reading it properly, it says:

(2) The provisions of this section do not render ineligible,

(a) A member of the Queen's privy council for Canada holding the recognized position of First Minister, any person holding the office of President of the Queen's Privy Council for Canada or of Solicitor General, or any member of the Queen's Privy Council for Canada holding the office of a minister of the Crown.

Now, there is no limitation there. It does not say a minister with portfolio or a minister in charge of a department. It just merely says "holding an office of minister of the Crown". I would have no objection to securing a legal opinion on it.

Mr. PICKERSGILL: Oh yes, there is an argument on both sides. I really do think it is a very dangerous principle to suggest that you can swear in a whole lot of people as ministers without portfolio and pay them remuneration under a governor general's warrant, which would have been perfectly possible if what was done at that time was legal.

Mr. AIKEN: That does not apply to this situation here.

Mr. PICKERSGILL: It did. The two gentlemen I referred to were paid a remuneration, which had never been authorized by parliament, under governor general's warrant between February 1 and March 31.

Mr. BELL (*Carleton*): I was hoping Mr. Pickersgill was not going to pursue the point, because I think in fairness to the two gentlemen someone would have to come to their defence in the matter.

Mr. PICKERSGILL: There was a debate in the house and the Prime Minister made the argument on the other side.

Mr. BELL (*Carleton*): But I do not like to see our records showing that no one has indicated—

Mr. PICKERSGILL: I am not suggesting and never did suggest that there was any impropriety. I think the matter was overlooked, but it seems to me any problem of that kind should be taken account of and we should make sure that it will not arise, in the future; and that is the submission I am making here.

Mr. BELL (*Carleton*): Well, the Department of Justice could tell us whether a minister without portfolio comes within the expression "holding office as a minister of the crown".

Mr. PICKERSGILL: Well, the other thing is whether any candidate should be paid any fee or other remuneration that has not been authorized by parliament. That is the real point that I have in mind.

Mr. AIKEN: Mr. Chairman, may I make a suggestion? If the committee thinks it proper I will follow it up with a motion that at the end of subsection (a) we just delete the semicolon and put a comma in and add "including a minister without portfolio".

Mr. PICKERSGILL: That would not meet my point. It is paying remuneration to candidates, whether ministers or not ministers.

Mr. AIKEN: I assume then that Mr. Pickersgill accepts this situation as being satisfactory.

Mr. PICKERSGILL: I am sure a minister without portfolio is a minister of the crown.

Mr. AIKEN: Then there is no question as far as the Canada Elections Act is concerned.

Mr. PICKERSGILL: Well, I think there is a question of the payment by an executive from the funds of Canada to a candidate for an election, when such funds were not voted by parliament.

Mr. AIKEN: But subsection (a) as Mr. Pickersgill admits himself includes a minister of the crown without portfolio.

Mr. PICKERSGILL: I might perhaps more properly raise it under (f) of subsection (1); but I raise the question very seriously because I do think it would be a very dangerous thing to leave in the possibility of having payment made to candidates by governor general's warrant.

The CHAIRMAN: Have you any suggestion with reference to an amendment, addition or deletion in this section?

Mr. PICKERSGILL: No, I have not any specific suggestions, but I think the problem should not be very difficult to set right." While holding office as a minister of the crown and paid a salary under the Salaries Act" that would meet the whole problem—not the whole problem, perhaps, but would meet this problem.

Mr. MONTGOMERY: Actually it is only an argument so far, and that would be admitting that something had been done wrong.

Mr. PICKERSGILL: No, it would be admitting that there is some doubt which ought to be removed. Surely that is what we should do.

Mr. WEBSTER: This was all brought about by the fact that there were no estimates in 1957.



Mr. PICKERSGILL: There was never any remuneration in the history of Canada paid to ministers without portfolio until the autumn of 1957, when an item was put in the estimates to pay half the salary of a minister with portfolio to two ministers without portfolio; and since one-tenth or one-twelfth or one-sixth was twice voted, this was legally paid up until the dissolution of parliament. There is no question about that. Then while there was no provision for its continuance beyond January 31, it was in fact paid by governor general's warrant until March 31, and in my view it was improperly paid. In the view expressed by the Prime Minister there was no impropriety.

Mr. BELL (*Carleton*): I think the honourable gentleman never suggested any real impropriety about it. He was making a legal argument in which I think he suggested—

Mr. PICKERSGILL: I was making a legal argument that the last thing that ministers of the crown should do was to vote money in the council to themselves, and that is really what happened. No matter how you look at it that is what happened.

The CHAIRMAN: Well, we have now reached and passed the hour of eleven. We can adjourn—

Mr. AIKEN: Could we dispose of this particular question now, Mr. Chairman? There is an amendment, perhaps.

Mr. PICKERSGILL: I would propose "for any member holding the office of minister of the crown and paid a salary under the Salaries Act" which is adding the words "and paid a salary under the Salaries Act".

Mr. HOWARD: I will second that.

Mr. AIKEN: I think the section is clear as it stands.

The CHAIRMAN: I would like to get a suggestion from the committee. There is no one using the room hereafter and we can go on if you wish. If we do we will have to have the five minute break for the reporters.

Mr. HOWARD: We have got it before the committee and in fairness, we have no idea if it meets the problem or not. Why might we not leave it at that and resume the discussion the next day on this particular item. In the meantime we might be able to look more clearly into it.

Mr. McGEE: I think Mr. Pickersgill said that advice should be sought.

Mr. PICKERSGILL: Yes.

Mr. BELL (*Carleton*): I think the language that Mr. Pickersgill sets forth would not meet the particular point. To my mind at least it would render ministers without portfolio ineligible, because as I recollect they are not paid under the Salaries Act but are paid under the estimates of parliament. So that we would render ineligible any ministers without portfolio.

The CHAIRMAN: Well, we will adjourn then.

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, MAY 12, 1960

Respecting

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,  
and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Woolliams.—29

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

THURSDAY, May 12, 1960.

(11)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Grills, Hodgson, Howard, Macquarrie, Mandziuk, McGee, McWilliam, Montgomery, Pickersgill, Richard (*Ottawa East*) and Webster.—14

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee continued its consideration of the Canada Elections Act.

### *On Section 16:*

The Section was amended by adding thereto immediately after subsection (15) thereof the following subsection:

“(16) A member, his spouse and dependants, shall not be deemed to have changed their place of ordinary residence solely because of such member having moved to Ottawa or the surrounding area for the purpose of carrying out his Parliamentary duties.”

The Section as amended, was adopted.

### *On Section 20:*

Moved by Mr. Pickersgill, seconded by Mr. Howard, that Mr. Pickersgill's motion of May 10th be reworded so that Clause (a) of subsection (2) be repealed and the following substituted therefor:

“(2) The provisions of this section do not render ineligible

(a) a member of the Queen's Privy Council of Canada holding the recognized position of First Minister, any person holding the office of President of the Queen's Privy Council for Canada or of Solicitor-General, or any member of the Queen's Privy Council for Canada holding the office of a minister of the Crown and who receives a salary pursuant to the provisions of any Act of the Parliament of Canada.”

The said motion was negatived on the following division: YEAS: 5; NAYS: 7.

Section 20 was adopted as amended on May 10th.

### *On Schedule A to Section 17:*

Rule 9 was further considered and adopted.

### *On Section 21:*

Subsection (10) (b) was amended to read as follows:

“(10) (b) a deposit of two hundred dollars in legal tender, or a cheque made payable to the Receiver General of Canada, for that amount drawn upon and accepted by such bank.”

Mr. Hodgson moved, seconded by Mr. Pickersgill, that the deposit mentioned in Section 21 (10) (b) be increased from \$200.00 to \$500.00.

Mr. Aiken moved, seconded by Mr. Montgomery, that the motion of Mr. Hodgson be amended by deleting the figure \$500.00 and inserting therefor the figure \$300.00.

Following discussion, by leave, Mr. Aiken withdrew his motion.

Mr. Hodgson's motion was negatived on the following division: YEAS: 3; NAYS: 7.

Mr. Aiken then moved, seconded by Mr. Montgomery, that the deposit mentioned in 21 (10) (b) be increased from \$200.00 to \$300.00. The motion was negatived on the following division: YEAS: 6; NAYS: 7.

Mr. McGee moved, seconded by Mr. McWilliam, that Subsection (5) be amended by altering the first two words of the Subsection to read "any twenty-five". The motion was carried on the following division: YEAS: 9; NAYS: 3.

At 11.00 a.m. the Committee adjourned until 9.30 a.m. on Monday, May 16, 1960.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

THURSDAY, May 12, 1960.

The CHAIRMAN: Good morning, gentlemen. We shall now resume our deliberations.

The last day we left consideration of section 16 and the suggested additional subsection, to be numbered (16), on which we had some discussion last Tuesday. You have before you a new version of this amendment that has been prepared. I would like you to give it your attention now.

(16) A member, his spouse and dependents, shall not be deemed to have changed their place of ordinary residence solely because of such member having moved to Ottawa or the surrounding area for the purpose of carrying out his parliamentary duties.

Is there any comment on this?

Mr. CARON: That means, simply, they could be registered in their own constituency, whenever an election comes along, even if they were living in Ottawa or the surrounding area? That is the meaning of the sub-section?

Mr. NELSON J. CASTONGUAY (*Chief Electoral Officer*): Yes.

Mr. RICHARD (*Ottawa East*): They would have a place or residence in their own constituency?

Mr. CASTONGUAY: If they had a residence in their constituency prior to their election to the House of Commons, and then came to Ottawa and sold their house while they were away, and lived here, they would still maintain a place of residence there.

Mr. MCGEE: Where?

Mr. CASTONGUAY: Where you were elected.

Mr. WEBSTER: They must have a place of residence there?

Mr. CARON: Not according to this.

Mr. CASTONGUAY: Not according to this. This was to meet Mr. McGee's wishes.

Mr. CARON: Mr. McGee, have you sold your place over there?

Mr. MCGEE: This has not happened to me, but it has happened to at least one member I know, where, in order to buy a place in Ottawa, he had to sell his home in his constituency. Where is he registered, in terms of his location in the constituency—in the house which he has sold? Is there any problem created there?

Mr. CASTONGUAY: I would rule that is his place of ordinary residence, and that is the polling division on which his name would appear.

Mr. HOWARD: This would also mean, if he were registered, for argument's sake, anywhere in a constituency, other than the one that he is elected from?

Mr. CASTONGUAY: He would not be entitled to vote, by virtue of this.

Mr. HOWARD: Would he not still retain his place of ordinary residence; and that is the constituency in which he lived, and not the one he was elected from?

Mr. CASTONGUAY: Yes, very much so.



Mr. WEBSTER: I have not quite got this. I know a chap who moved out of his constituency and registered in a boarding house and voted in that constituency, even though he was not permanently resident there. Could someone live in Westmount, rent in Longueuil, and vote there?

Mr. CASTONGUAY: Did he maintain a place of ordinary residence?

Mr. WEBSTER: He was registered in a boarding house, paid his rent, and everybody called him a *pensionneur*.

Mr. CASTONGUAY: He still had a place of ordinary residence, where he normally lived; and acquired a new place of residence by taking a room in a boarding house. I would say that he would not be entitled to vote in that electoral district because he did not give up his other place of ordinary residence.

Mr. WEBSTER: He was a married man and was not living with his family.

Mr. CASTONGUAY: If he did not intend to return to live with his family—

Mr. WEBSTER: He could rent out there, in a boarding house, but had to vote where he lived?

Mr. CASTONGUAY: Yes, from the information you gave me.

Mr. WEBSTER: Under this amendment, he could register in a boarding house and vote in the other riding?

Mr. CASTONGUAY: If he did not have a place of ordinary residence in the riding when the election was declared, he would still have to vote where his family was, and where he was living prior to the issue of the writ.

The CHAIRMAN: Anything further on this amendment?

Mr. McWILLIAM: The word "his", I presume, also includes female members. We have female members here.

Mr. RICHARD (*Ottawa East*): What do you mean by "surrounding area"? How far does the "surrounding area" reach?

Mr. PICKERSGILL: You could live in Rockcliffe!

Mr. RICHARD (*Ottawa East*): What is "the surrounding area"?

Mr. CASTONGUAY: It was very difficult to break this down, to have geographical barriers. "Surrounding area" includes whatever residence he has established, and from which he has to commute to the House of Commons.

Mr. RICHARD (*Ottawa East*): He could be as far away as Kingston. Should it not be the same residence qualification as that required under the House of Commons Act? You have a ten-mile radius in the House of Commons Act, which establishes your attendance to the house.

Mr. McGEE: That is not a realistic distance any more, with the development of the automobile. Let us be realistic.

I have heard of one member who bought a farm in the Ottawa area—and it might be eleven miles from this building—but it is clearly intended he has purchased that in order that he would be in easy striking distance of the house. I think "surrounding area" covers it.

Mr. RICHARD (*Ottawa East*): It might make it difficult for others, but I am just raising the point generally.

Mr. HOWARD: Would not that be qualified to the extent it is for the purpose of carrying out his parliamentary duties? Whether it is ten miles or eleven miles or "the surrounding area," does not matter, so long as it is for that purpose. That is the key phrase there, it seems to me—"for the purpose of carrying out his parliamentary duties."

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Is there anything further on this sub-section, gentlemen?

Mr. McGEE: There is just one other picayune point. Does a member "carry out" or "discharge" his parliamentary duties?

Mr. MONTGOMERY: He "carries out" his parliamentary duties.

Mr. PICKERSGILL: I am all for using words that the average elector can understand—"carry out."

The CHAIRMAN: Nothing further then on this? We are prepared to adopt this?

Agreed.

The CHAIRMAN: We had another item from section 20, clause (a) of subsection 2 of section 20. On the second paper before you you have a suggested amendment thereto. We will give that our attention now. The amendment reads as follows:

Clause (a) of subsection (2) of section 20 of the Canada Elections Act is repealed and the following substituted therefor:

(2) The provisions of this section do not render ineligible

- (a) a member of the Queen's Privy Council for Canada holding the recognized position of First Minister, any person holding the office of President of the Queen's Privy Council for Canada or Solicitor-General, or any member of the Queen's Privy Council for Canada holding the office of a minister of the Crown and who receives a salary pursuant to the provisions of any Act of the Parliament of Canada.

Mr. PICKERSGILL: Mr. Chairman, I think I raised this point, and it seems to me this amendment completely meets the point I raised. As far as I am concerned, I would be quite happy to move it be accepted by the committee.

Mr. HOWARD: Seconded.

Mr. BELL (Carleton): Mr. Chairman, it seems to me the amendment is totally unnecessary and really contributes nothing whatever to the act.

What it does is this: It seeks, inferentially, to condemn where no condemnation is due. To pass this amendment would be a concession that at some time in the past there has been some irregularity. I submit to the committee that there has not been any such irregularity at any time.

In a rather unique situation, not likely to arise again, there was a problem which was raised in the house by the honourable gentleman from Bonavista-Twillingate. In debate he was completely routed by the Prime Minister, and he now seeks, in this committee, to recover from that rout which he then suffered. If there had been any question at all in respect of the particular problem that he raised, can there be any doubt whatever but that the Auditor General would have drawn attention to it? If you examine the Auditor General's report or the public accounts of Canada, you will find not a word, not a whisper in respect of this matter.

From its inception this committee has been free from any political manoeuvring, and I would have hoped that my honourable friend would have kept it free from exactly that; but he has sought to raise an issue in respect of two men, on a purely political basis. He knows well how deeply he has wounded a man of whom he said in the house recently,

... for whose honesty and patriotism I have the deepest respect.

I do not think we ought to make any concession to any suggestion of irregularity in the past, or make any inferential condemnation of any person who is a member of the House of Commons.

Mr. PICKERSGILL: Since my conduct and my motives have been attacked—which is contrary to the rules of the house and, therefore, of the committee—I would have a question of privilege; but I am not going to waste the time of the committee on that.

It is my view, regardless of how high or how great the patriotism of any member of parliament may be, it is still his duty to obey the law.

In my opinion, the Prime Minister did not reply effectively to the argument—

Mr. MONTGOMERY: That is absolutely wrong.

Mr. PICKERSGILL: He did not reply effectively to the argument.

Mr. MONTGOMERY: That is only your opinion.

Mr. PICKERSGILL: I have the floor, and when I have finished the honourable member can reply.

I made an argument in the House of Commons to which no real reply was made.

The suggestion that the Auditor General would have anything to do with it is quite absurd, because there is no doubt that a payment made by a warrant and subsequently approved by parliament is a perfectly valid payment; and that is all the Auditor General has anything to do with it. He has nothing to do with the enforcement of the Elections Act.

I do say that I think it was a shocking breach of propriety, however ignorantly it may have been done—a shocking breach of propriety for two gentlemen to be parliamentary candidates while they were in receipt of monies paid to them by Governor General's warrant; and that happened in the last federal election. That happened because of what appears to be a defect in the law; and because that happened I suggested—as was my right and indeed, as was my duty as a member of this committee—that we should repair the law so that could not happen in the future.

I raised none of these arguments that have been raised today at all at that time. I simply alluded to the incident as a reason for removing any doubt there could be in the law, and suggested we should have an amendment which would remove that doubt.

Whatever the view may be about that particular situation, there is no doubt that if we did adopt this amendment it could never happen again; and with regard to anyone who opposes such an amendment, one would be entitled to suppose they wanted to leave a loop-hole so it could happen again.

Mr. BELL (*Carleton*): Oh no.

Mr. PICKERSGILL: Since Mr. Bell has chosen to impugn my motives, it would be perfectly proper for me to do the same to him; but I do not intend to, and I do not think he had any such motive. But under the law as it now stands, if those two precedents of 1958 are valid—which I do not think they are—it would be quite competent for dissolution to occur, and after the dissolution for the government of the day to appoint two or three people ministers without portfolio, to provide them with emoluments by Governor General's warrant, and because of the words "Minister of the Crown" in this act, and no saving provision, to render them eligible to be candidates while receiving payments from the crown.

That did happen historically in 1958 and it could happen again. I submit that we should fix the act so that it will not happen again. That is all I suggested. It does seem to me that it is quite unwarranted to introduce any suggestions about motives, such as has been done this morning. I feel it is quite unwarranted.



The CHAIRMAN: I am looking at the record of the last meeting, and I find that Mr. Pickersgill moved, and Mr. Howard seconded, that an amendment be made to section 20 by adding the following words to subsection 2 (a): "receiving a salary under the Salaries Act".

Do you regard this new version as superseding that?

Mr. PICKERSGILL: This is far preferable to that motion. I had thought that that motion was never put.

The CHAIRMAN: It was left in abeyance.

Mr. MANDZIUK: Mr. Chairman, I did not intend to impute any motives to the hon. member for Bonavista-Twillingate; but it does appear to me that he is trying to establish something which he could not establish in the House of Commons.

As Mr. Bell stated, it was a unique situation. I do not think it will ever happen; and if there had been irregularity, it would certainly have been detected by the Auditor General, and the parties concerned would have been censured for it.

I do not see any shocking breach of property, or any breach whatsoever. I think this Elections Act and the regulations under it are sufficiently cluttered and are becoming sufficiently voluminous without adding something that happens once in a lifetime.

I maintain there was no irregularity, because if there had been, the Auditor General would certainly have brought it to our attention, and I think the hon. member would have gone further than that. He might have resorted to our courts of law. I do not think he would have been reluctant to do that against his political opponents. But he is just trying to establish his opinion. But let us remember that if he is entitled to his opinion, so am I, and Mr. Bell, and anyone else here. But he thinks his opinion is the only right one, while I maintain that it is not. I admit that he has long parliamentary experience, but some of us have common sense.

He should not accuse us of being fools. The hon. member for Bonavista-Twillingate is not going to twist us around his fingers. He is absolutely wrong. I think it would be silly to stick any such thing in our act. We would be the laughing stock of all the people.

The hon. member wants to prove that he was right and that we were wrong, but he is going about it the wrong way. He should have resorted to the courts.

Mr. HOWARD: Since I was the one who seconded the motion, might I make a comment or two about my motive, whether or not the Prime Minister was right or wrong or anything else, or the hon. member for Bonavista-Twillingate. I am solely concerned with whether or not the absence of such a provision could render ineligible such a person as a candidate.

Mr. MANDZIUK: Why do you not go to the courts to find out?

Mr. HOWARD: I am not concerned about going to the courts to find out about the election of two ministers without portfolio. It is not a question of whether I wanted to go to court, or ask someone else if a great number of people were elected contrary to the provisions of this act. I am only looking into the future in an attempt to ensure that it does not occur again, and there is the faint possibility that it might occur again in the future.

From the legal point of view I have to rely on someone with experience in that field, and I am not sure whether this is necessary or not; but in my mind I think it would prevent its occurring again in the future. And it is only for the purpose of ensuring that a person will not be made ineligible to be a candidate under this provision if the same circumstances should occur again, and it is solely for that purpose, in order to protect, in the future, someone who might fall into this category.

It is true that court action could be taken in an attempt to determine whether or not these individuals in the past were elected contrary to the provisions of this particular section; but I am not too concerned about those who were elected. That is just fine and dandy.

My sole concern is about attempting to ensure that it does not occur in the future, and that we would have court cases arising out of this sort of thing. To me that is not an important matter. It is not of importance to take someone to court under this provision to prove that they were or were not elected under the provisions of the act. It is solely to ensure that it will not occur again.

Now it might—and perhaps if it does occur again, the person who had cognizance of it would want to take that very question to court to determine whether it was legal or not. There is a possibility that the court would rule that he had been elected contrary to this provision; but there is the possibility that the court would rule otherwise. This I am not sure about.

However I am only concerned about ensuring that the question does not arise. This is solely and simply why I seconded the motion. I felt that it should be carried out and this provision placed in here to guarantee that in the future this sort of thing will not occur again.

Mr. MONTGOMERY: Mr. Chairman, since the last meeting I have read over this section several times. Members may hold a different opinion, and I might disagree with them; but I did not have that in mind when I was studying this section.

I have come to the conclusion that when the section was drawn up, whoever drew it up did have in mind exactly what it says. And as to how they were paid, or whether they were paid or not, a minister of the crown, whether with portfolio or not, is still a member of the crown. Therefore he is eligible to be a candidate. On that ground I do not think it needs any change; and if we change it, we would be changing the intention of the legislators who passed this act in the first place.

It does not make any difference if we leave it. The provisions of this section do not make them ineligible. It does not say anything about it, and I think it was purposely left that way, so that ministers without portfolio would not be disqualified. Therefore I see no reason to change the section at all, and I do not intend to vote for any amendment to it.

Mr. RICHARD (*Ottawa East*): I feel better after listening to Mr. Montgomery. I have been on this committee for a great number of years, ever since I was elected, I think. But this is probably the first occasion I have had to bring to your attention the fact that members of the committee should not indulge in motives or talk about something that happened in the House of Commons. Because after all, we are here to amend the act, and it does not matter what happened in the past, or what the act says. We are here to revise the whole act, as I understand it, and I think we should approach it as a job to be done, without reference to the motives of anybody in this committee, or to the fact that it might be changing the intention of the legislators or that someone has ulterior motives, and that he should go to court about it.

I say: let us go ahead with this work, if we are to get through this act before the end of the month. I am able to raise my voice and get into a fight in order to hold this thing up, but I am not a man of that type. I think Mr. Montgomery's argument was very good, and once we have heard the other side of the question, let us decide it by vote, unless we want to sit for three or four weeks.

The CHAIRMAN: Thank you. I know that while we may think of things which happened in the past, we do not want to overdo the case in reciting

them. However we do want to encourage a free expression of opinion in this matter, and if anyone else has a brief comment to make, I would be glad to give him the floor.

Mr. AIKEN: Perhaps fortunately, I was not here at the beginning of the meeting, but what I want to say is almost identical with what Mr. Montgomery has just said.

Subsection 1 of section 20 lists the number of persons and individuals who are to be ineligible to be elected, and among them paragraph (f) in effect says that no one shall receive payment of any kind from the crown.

Now, the subsection we are dealing with now makes provision that ministers of the crown are not ineligible because of receiving additional payment as ministers. And there is no exception to the rule. It is clear that ministers of the crown are not ineligible because of receiving extra payment.

I think that perhaps if we were to add something to it we might be detracting from the clear wording of the section. I think it is quite satisfactory the way it is.

The CHAIRMAN: Is there anyone else who wishes to make a comment?

Mr. PICKERSGILL: Actually my views were expressed very clearly by Mr. Howard. I think if there is any doubt about the matter that such doubt should be resolved. I think one should look at it, altogether apart from any question which might have occurred in the past. And when one looks at section 1 paragraph (f), he will find it says:

Every person accepting or holding any office, commission or employment, permanent or temporary, in the service of the government of Canada at the nomination of the crown or at the nomination of any of the officers of the government of Canada, to which any salary, fee, wages, allowance, emolument or profit of any kind is attached—during the time he is so holding any such office, commission or employment; and—

Then subsection 2 makes certain exceptions to paragraph (f), in that it excepts ministers of the crown. That is a brief way of putting it. It excepts ministers of the crown by whatever designation they may be described, and it excepts them no matter what they may receive.

Now, it does seem to me, sir, that there is a lack there. We want to except them so long as they are receiving salaries or other emoluments that parliament has provided for them, but we would not want to except them, I would think, if they were receiving any other kind of emolument; and very properly.

And it has happened. I know it, because it happened to me. I was a minister of the crown for two months before I was a member of parliament. And with the law as it stands now, presumably I could have received emoluments from the crown, being a minister, and other emoluments from the crown during that period of time perfectly legally, as the act stands at the present time.

I do not think that should be. I think we should remove it.

When I became a minister of the crown, on the 12th or 15th of June, if I remember rightly, I was Secretary of State of Canada, and I received a salary. Of course I was in receipt of that salary as Secretary of State of Canada, and there was no question about it. But I might have received other emoluments from the crown, because I was not a member of parliament at the time; therefore I would not have been ineligible to receive them under the Senate and House of Commons Act.

Mr. McGEE: What sort of emoluments?

Mr. PICKERSGILL: Suppose I had had a contract with the government, and had gone on being paid under it.



Mr. BELL (*Carleton*): That would be covered by another section.

Mr. PICKERSGILL: Or suppose there was some other kind of payment made to me in any other connection. The whole point is that there is a possibility of it; and not only is there a possibility, but in one historical instance about which I do not want to say anything more, it did in fact happen, and something which had never been voted by parliament was in fact paid to a gentleman holding office as minister of the crown, while he was also a parliamentary candidate. This simple little amendment here would remove the possibility of that being done legally; and while there is any doubt in the act, surely it is only reasonable and sensible to remove that doubt. And that is all I was seeking to do.

The CHAIRMAN: Does anyone else wish to comment before the question is put?

Mr. MCGEE: I have been trying to follow the discussion from this end, from wherever it emanated, and it seems to me that Mr. Pickersgill in his last remarks seems to have some quarrel with some other act of parliament, and that he is attempting to revise this one. He is describing some hypothetical emolument which he might have received while Secretary of State, and he is unable to name it, or to come up with the type of emolument which he had in mind. In any event it would apply to the Senate and House of Commons Act, and not to this act.

Mr. PICKERSGILL: Why? I was not a member of the House of Commons.

The CHAIRMAN: Are you now ready for the question?

Mr. AIKEN: There was one thing mentioned a moment ago, namely the possibility of a person being appointed as a privy councillor for a temporary period of time pending his election, yet there is a possibility of his not being elected.

Mr. PICKERSGILL: What I said was—and this very frequently does happen—that after the dissolution of parliament certain persons are appointed to the government with a view to their becoming candidates for election, and not for a temporary period. I am sure the government always thinks that they will be elected, but sometimes it does not happen.

Now, if they could be appointed as members of the government and become ministers of the crown without first becoming members of parliament, then, under this legislation they could receive emoluments other than those provided by parliament.

Mr. AIKEN: In the first case, this provision is fairly clear as to the ministers of the crown. I think it is safe to say that appointments to the privy council are not lightly made. That is my first assumption; and the second assumption is that persons so appointed are not of dubious character.

The CHAIRMAN: No. Will those who are in favour of the motion please signify.

The CLERK OF THE COMMITTEE: Five.

The CHAIRMAN: Those who are contrary or opposed?

The CLERK OF THE COMMITTEE: Seven.

The CHAIRMAN: I declare the motion lost. Now we have some unfinished business. And at page 174 we asked Mr. Castonguay to take a look at rule 9. I now call upon him.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer for Canada*): Mr. Chairman, I must confess that we have not got an amendment prepared to rule 9, but we are still working on an amendment suggested by Mr. Bell, that wherever urban enumerators leave a notification card after their second visit stating that they have been unable to find anyone in the dwelling, that

some procedure be devised whereby this information is passed on to the returning officer, who would then give it to the revisal agents when they were doing their rounds.

I have some doubts as to the practical working out of this suggestion. Mr. Montgomery raised similar doubts in respect to this matter, and in respect to the enumeration. It would seem to me that perhaps some enumerators will find that a record was kept of the dwellings where they were unable to make contacts, and that they should make a second visit. They may just make the one visit, and if no one were there, they would leave that card, knowing very well there would be a follow-up afterwards by the revisal agents.

I wonder if the committee, instead of bringing legislation down to this effect, would permit me to first, at a by-election, try the new revisal agent system, to see how it functions. Then at a further by-election I could, by instruction, order the enumerators to keep a record of the dwellings where they were unable to contact electors, and then carry out Mr. Bell's suggestion, to see how it would actually work out in practice.

But I have a feeling that some of these enumerators may just call once and not bother to make the second call, if they know there is a follow-up by the revisal agent. And we might have a second enumeration; not as complete as the first enumeration, as we normally have now. This can only be established by experimenting with this, and I think the logical place to experiment with this would be at by-elections. If the committee wish, and agree with my proposal, I will go ahead and do this, if it is satisfactory.

Mr. BELL (*Carleton*): Mr. Chairman, it seems to me that Mr. Castonguay's suggestion is eminently sensible, and on the basis of that I would withdraw the suggestion that I made for an amendment to the act.

Mr. CARON: Before you withdraw that, would there not be that same possibility today, without adding to that section, that they would only go once anyway?

Mr. CASTONGUAY: There is that possibility, but it would be a greater possibility if they thought there would be a revisal agent following them afterwards.

Mr. CARON: Because if we want to ensure that these people will have the right to vote, if, instead of placing just the one card whenever they went—if it is the first or the second time—there was a stub or a duplicate that would be sent to the returning officer, then that would ensure that nobody might be left out of the list. Otherwise, if they forgot to say so, or if nobody goes back, they are liable to be forgotten completely especially in apartment houses or rooming houses, and they would lose their right to vote.

Mr. RICHARD (*Ottawa East*): I would have been much in favour of this—perhaps I do not remember too well—if you could get the enumerators, when they make their initial enumeration, to note on the sheet of paper for their particular poll the numbers of the houses they visited and where they got no answer.

You would not need a card then; the system would be simplified for the revising officer. They could say, "I called at these numbers twice, and nobody turned up". I thought that would be a much easier way of doing it.

Mr. CASTONGUAY: That was Mr. Bell's suggestion.

Mr. BELL (*Carleton*): Mr. Castonguay says he would like to try this in a by-election, and it seems to me that is a sensible way of going about it. He could try it, and, if it works, he could put it into effect. I am sure that we all have confidence in Mr. Castonguay's judgment and, if it works effectively during experimentation, we could adopt it afterwards.

The CHAIRMAN: Is there anything further on this question?

Mr. MONTGOMERY: You do not need a motion on this?

The CHAIRMAN: No. Then this suggestion of Mr. Castonguay's satisfies the committee. I take it that we have disposed of section 20.

Then we move on to section 21. Mr. Castonguay notes an important and consequential relationship between this section, section 28, and form 35 on page 287. Section 28 is found on page 196. If it is agreeable to the committee, we might discuss these three in relationship.

Mr. CASTONGUAY: Mr. Chairman, the three are linked in so far as the printing of the ballot paper is concerned, the particulars of the candidates on the ballot paper, in section 21, subsection (5), at page 190. That is where the name, address and occupation of the candidates first appear on a nomination paper.

Then if you proceed to section 28 subsection (1), that prescribes:

All ballots shall be of the same description and as nearly alike as possible; the ballot of each elector shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as such names, addresses, and occupations are set out in the heading of the nomination papers—

Then you go to the ballot in its present form. The reason why I say it is inconsequential is this. We have at least four representations from the public before the committee with respect to placing the party affiliation of candidates on the ballot paper; and there have been private members' bills in the house to this effect. I want to draw that to the attention of the committee, to see if they wish to discuss it now.

Mr. PICKERSGILL: Mr. Chairman, perhaps I could raise one point before this matter is discussed, because I imagine there will be quite a discussion on it.

I wonder if there is any good reason why the occupation of candidates should be put on the ballot paper. I must say that I raise this out of personal embarrassment. I became unemployed, through no desire of my own, on June 21, 1957, and when I went to file my nomination papers for the election in 1958 I was reluctant to put "unemployed" as my occupation.

I had some reluctance about using the old-fashioned term "gentleman", which I thought some of my opponents might question. But I really did not know what to put.

It then occurred to me, just as I was going in to file my papers, that I happened to own a ship, so I put "shipowner" as my employment. That did solve the problem—but since then I have lost the ship.

I admit that my case is perhaps not very usual. But there seems to me a certain silliness about this whole business of putting in the occupation, and I do not know what good purpose it serves.

Mr. McGEE: Could you not put "ex-shipowner" next time?

Mr. RICHARD (*Ottawa East*): Perhaps you could put "author" the next time.

The CHAIRMAN: Does anybody have any questions on this—not necessarily on Mr. Pickersgill's occupation, but on this point?

Mr. MONTGOMERY: Mr. Chairman it occurs to me that very often you get a name like Smith or Jones in a community, town or city, and people know which Smith is meant when you put the occupation. I will admit that in a great many places it would not make any difference, but I think there is some good reason for having the occupation shown, because it does distinguish which Smith or which Jones, and so on.



Mr. HODGSON: There is the case here of two Casselmans.

Mr. PICKERSGILL: What do you do when there are two lawyers?

Mr. BELL (*Carleton*): We have had that several times in Grenville-Dundas, where there were two Casselmans, one a school teacher and one a barrister, and the occupation was a most significant feature there.

Mr. AIKEN: Mr. Chairman, this is very much in my mind, because in Parry Sound-Muskoka two years ago there were two people with a similar name. One was "Bucko" McDonald, and the other was the former minister without portfolio, Mr. J. M. Macdonnell. The only way people had of telling them apart, except the spelling, was the occupation: one was a hockey player and the other was an economist, or barrister.

Mr. PICKERSGILL: He was like me; he did not know what his occupation was.

Mr. BELL (*Carleton*): He probably put "reformed lawyer".

Mr. MONTGOMERY: I had two Jones'.

The CHAIRMAN: Is there any other comment on this section?

Mr. BELL (*Carleton*): I have some other matters to raise on the section, Mr. Chairman.

Mr. HOWARD: Is this the only way in which these three sections are coupled; that is through the ballot paper?

Mr. CASTONGUAY: This is the only way they are coupled: they are related in so far as the final ballot paper is concerned, and how it turns out.

Mr. HOWARD: I do not think we are going to get very far, probably, with the suggestion that the name of the party go on the ballot, which would be a means of differentiating between people of the same name. I assume we are not going to get far with it, if past practice and the attitudes of members are reflected in this committee.

I am not too partial to it anyway, even though the party to which I belong is partial to the placing of the political party on the ballot.

Mr. PICKERSGILL: You might be in some embarrassment between now and the next election.

Mr. HOWARD: None at all. The only time I am embarrassed, Mr. Pickersgill, is when I cause that embarrassment myself. It would seem it is necessary to retain that embarrassing situation for Mr. Pickersgill by leaving the occupation shown on the ballot.

Mr. PICKERSGILL: I am not pressing the point. I hope to find some work between now and the next election.

Mr. WEBSTER: You might put down "advocate" next time.

Mr. PICKERSGILL: I have been released from my articles.

Mr. BELL (*Carleton*): "Ex-student-at-law"!

Mr. PICKERSGILL: Yes.

The CHAIRMAN: I would like to explore further, the prospects and possibilities for Mr. Pickersgill but we must move on.

Mr. PICKERSGILL: I do not think they are very relevant, sir.

The CHAIRMAN: Shall we continue on this question?

Mr. MONTGOMERY: Mr. Chairman, I would just like to ask Mr. Castonguay a question. Would it make any difference if your name on the nomination paper was different from what it was on the voters' list?

Mr. CASTONGUAY: It is up to the candidate, when filing his nomination papers. These are the nomination papers. (indicating)

The responsibility of placing whatever Christian name and surname he wishes to appear on the ballot paper rests exclusively with the candidate and

his official agent. Whatever appears on the heading of the nomination paper, appears on the ballot paper, and no one else has any authority to change that.

Mr. MONTGOMERY: Regardless of how his name appears on the ballot list?

Mr. CASTONGUAY: That has no bearing. This is the key to the ballot. Whatever the candidate's agent has put there with respect to the candidate's name, address and occupation, it must appear on the ballot paper exactly as it appears on the heading of the nomination paper.

Mr. MONTGOMERY: Is there any way of getting it changed?

Mr. CASTONGUAY: There is a way of getting it changed, certainly. Between two o'clock and three o'clock on nomination day is the period of time provided in the act when certain changes may be made. You might wish to omit some of your Christian names, for instance, so that your name will not run right across the ballot paper; or you might wish to reduce the Christian name to an initial. But you cannot add Christian names.

There is a specific formula prescribed as to what changes can be made. But once you have filed your nomination paper, no changes can be made except on nomination day between the hours of two o'clock and three o'clock. Nominations close at two o'clock, and there is a period of an hour provided where these changes may be made. And they must be made in writing, to the returning officer.

Mr. HOWARD: Is it permissible to use a nickname in conjunction with your other names?

Mr. CASTONGUAY: Yes, it is. There have been rulings on that.

Mr. HOWARD: It is entirely up to the candidate?

Mr. CASTONGUAY: It is entirely up to the candidate.

Mr. MCGEE: "Rocket" Richard, for instance, would be wonderful!

Mr. HOWARD: He is probably a Tory too.

Mr. PICKERSGILL: That would have saved the embarrassment in Parry Sound, of course.

Mr. AIKEN: That is a situation to be considered, because there was a lot of controversy in my riding because of this particular candidate being permitted to use his nickname only. There was no initial, or anything, that went along with it.

Mr. MCGEE: Was he "Bucko" McDonald?

Mr. AIKEN: Yes, that is the way it appeared on the ballot paper, and there was no objection to it. In this particular instance it is purely describing him as not the other Macdonnell.

The CHAIRMAN: But he is entitled to use his nickname, if he so desires?

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): Mr. Chairman, I want to raise a small drafting matter in connection with subsection (10) on page 191. It speaks of "a deposit of \$200 in legal tender or in the bills of any chartered bank doing business in Canada".

I think the bills of chartered banks have now disappeared, and we should eliminate those words. They are a throw-back to the pre-Bank of Canada days, pre-1934; and I would have thought they were legal tender in any event. But I think we should just say "in legal tender, or a cheque made payable to the Receiver General of Canada".

Mr. HOWARD: I would not be able to use my social credit scrip in B.C. as my deposit, eh?

The CHAIRMAN: You suggest, Mr. Bell striking out the words after "legal tender" and as far as "in Canada"? Is that agreeable, gentlemen?

Mr. PICKERSGILL: This, of course, is going to cause a very serious disability, because there may be somebody who has been saving up some old Royal Bank bills for years for the purpose of presenting them when he becomes a parliamentary candidate.

Mr. BELL (*Carleton*): If he has them, they are probably "hot", and we should let George Nowlan get after him.

Mr. CARON: If you leave only "legal tender" there, it omits American money.

Mr. BELL (*Carleton*): I have no strong views about the deposit. Some provinces require 100 signatures, and no deposit. We require 10 signatures, and a deposit. I have no strong views one way or the other. I think it is working out reasonably satisfactorily and we might as well keep it; but perhaps we should look at the question—

Mr. HOWARD: Mr. Chairman, I have a point I wish to raise here. My point is regarding signatures versus monetary deposit, but I do not want to raise it until we have cleared up this suggestion of Mr. Bell's regarding the specific reference to chartered banks.

Mr. CHAIRMAN: Is Mr. Bell's suggestion agreeable to the committee?  
Agreed.

Mr. HOWARD: Personally, I do not like to place too many impediments in the way of a person running as candidate. It is true, as Mr. Bell says that in some provinces there is no deposit, and a certain number of signatures, and in other provinces there is a coupling of the deposit with a certain number of signatures—as we have here, which is \$200 and 10 signatures.

With regard to the \$200 deposit, or any monetary deposit, I assume the thought behind it was that by placing this deposited amount in the act it would tend to eliminate so-called nuisance candidates, so that if a person did not have a certain amount of support in a constituency, in effect he was giving away \$200, and this would tend to eliminate his running as a candidate.

But I wonder whether we might not consider saying, either \$200 or a relatively large number of signatures, say a couple of hundred, which would indicate a certain amount of support for the individual. If you were able to get 200 signatures, you were eligible to file papers, and if you were not you put up the \$200 in lieu of 200 signatures—or vice versa, with perhaps the maintenance of a minimum number of signatures along with the \$200, such as we have now—10—which appears to me to be only a token number. It could easily be any other similar number. I am making this suggestion.

Mr. CASTONGUAY: This may be of some assistance to the committee. I have studied various election laws and obtained information on countries and provinces where they require a large number of signatures, say over 200, even up to 400. Where these requirements are in force, there were several occasions where the candidate received far less votes than the number of signatures. So we can presume from these experiences that signatures are rather easy to obtain. Therefore, I do not think it would be a deterrent to remove, say, the nuisance candidate of which Mr. Howard spoke.

Mr. MCGEE: There have been cases drawn to my attention where the person whose occupation would otherwise prevent him from indulging in any form of advertising, would run as candidate in a federal or provincial election as a form of advertising, or for some other purpose, without the faintest hope or serious intention of being elected. For a certain type of individual suffering under those impediments, or with no impediments, but no practical way of getting his name or getting the name of his business before the electors, \$200 is a very expensive way of achieving that—is this what you mean by frivolous candidates?



Mr. PICKERSGILL: I think there is another sort of frivolous candidate who presents a very serious problem. There are some parts of this country, notably, for example, the province of Newfoundland—and I will let Mr. Caron speak for another province—where a very large number of people have the same surname in a community; and also there are bound to be people with same Christian names. I do not think the \$200 is an adequate safeguard against this, but I am sure if there were no deposit at all there would be candidates put in through malice to confuse the electors. I have seen many cases where this has been done.

Mr. BELL (*Carleton*): We know it has been done.

Mr. PICKERSGILL: Yes. And we do not want to encourage that.

Mr. BELL (*Carleton*): I think what Mr. Pickersgill is raising is very significant.

Mr. HOWARD: I do not think we experienced this in British Columbia. I believe 25 signatures are required if it is 10,000 and 50 signatures if it is more than 10,000 voters. In the time I have been involved in politics I do not know of any instances in the province of persons running who had similar names merely to confuse the issue. I do not think this has existed in Ontario where no deposit is required.

Mr. MONTGOMERY: The only complaint I have ever heard about this is that the deposit is not large enough and that it should be more. If I had a suggestion, I would suggest that the deposit should be \$400. Maybe \$200 is all right. I agree with Mr. Pickersgill that there must be a deposit. The only complaint I have ever heard is that the deposit is not large enough. The more candidates who run, the more work is entailed. Nuisance candidates usually do not draw very large votes and they should contribute to the exchequer, if they are just going in as a nuisance. Then they would lose their deposit and that might make them think twice.

Mr. CASTONGUAY: The number of candidates has been substantially the same for many years. To go back to 1945 there were 952. In 1949 there were 848. In 1953 there were 897 and in 1957, 862. In 1958, there were 831.

Mr. MCGEE: How long has it been since the figure of \$200 was changed?

Mr. CASTONGUAY: So long as I can recall. I do not know the exact date, but it has been that way at least since 1934.

Mr. HODGSON: I think it should be changed. I think the deposit should be \$500. In my first election the Liberals of the village put a C.C.F. candidate in the field.

Mr. PICKERSGILL: Impossible.

Mr. HODGSON: And they did not vote for him when the time came.

Mr. HOWARD: That is almost as bad as the Liberals and the Tories for many many years in British Columbia running the same candidates.

Mr. BELL (*Carleton*): I think we had better leave it alone.

Mr. PICKERSGILL: If the people in the first half of this century could be expected to put up \$200, considering the inflation, \$500 is not at all out of the way. I think we might have cheaper elections and less silly candidates.

I would think this would be a sensible change, if there is any hope of getting it changed.

The CHAIRMAN: The Chair observes that 3 members have suggested an increase, but at present there is no motion.

Mr. HODGSON: I will make the motion that the deposit be \$500.

Mr. PICKERSGILL: If it needs a seconder, I am quite willing to second it.

Mr. HOWARD: I would like, although not to any extent, to speak against it. I think we should place fewer obstacles in the way of persons who are trying to find a way in public life. Nowhere in Canada is the deposit more than \$200 in the provinces or the federal field. Normally it is less and in some cases there is none at all.

Mr. HODGSON: Salaries have doubled.

Mr. MCGEE: This raises a nice point as to whether or not it was too high originally.

Mr. CARON: I think younger persons who would like to run and who are not very rich would have a hard time to find the \$200.

Mr. WEBSTER: The Caisse Populaire.

Mr. CARON: They may not have very much, but they do not go for elections.

Mr. WEBSTER: We had a Caisse Populaire candidate who ran twice and his expenses were only \$400.

The CHAIRMAN: The Chair finds this all very enlightening and educational.

Mr. BELL (*Carleton*): On the whole, I would favour any action which would reduce these so called nuisance candidates. I think that the candidate who comes in for no other purpose, say, except self advertising or because he is a real crackpot should be discouraged by every means possible. On the other hand, I have a very great hesitancy about placing this on an economic basis and having financial safeguards against crackpots. On balance, although I am sympathetic, I have to vote against the motion.

Mr. AIKEN: I am in agreement with Mr. Hodgson to the point that there should be an increase. I think \$500 is too much. I think it would discourage candidates who might be anxious to achieve a position. I think \$500 would be too high.

For the sake of argument, I will move an amendment that the deposit be increased to \$300, which will bring it down to something equivalent to present day standards.

Mr. MONTGOMERY: I second the amendment to the motion.

The CHAIRMAN: We have now an amendment to the motion. Are you ready for the question? The question is on the amendment.

Mr. HOWARD: I think if we are going to consider increasing the amount of the deposit then, as Mr. Bell says, this is placing it somewhat on the economic ability either of the candidate or his supporters to find that particular amount of money. This would be a restriction similar to the restriction of years ago when property had to be held. If we are going to increase it we should allow the alternative of having a certain number of signatures in lieu of the deposit. In that situation you are not placing an economic barrier but are putting a responsibility on the candidate and his supporters to get a certain number of persons to sign the nomination papers, stating that he should be a candidate. I think that would tend to remove the economic barrier which might exist in respect of some candidates, even though what Mr. Castonguay says is quite true.

Mr. HODGSON: How many signatures do you need now?

Mr. HOWARD: Ten, which is practically nothing.

Mr. BELL (*Carleton*): May I make a suggestion that perhaps we could put this in an unusual way and test the committee on \$500, then on \$300. I prefer \$300 to \$500, but on the other hand I do not want to vote for the amendment—I am in a quandary.

Mr. PICKERSGILL: I am in a similar quandary. In fact I was going to say I would take the unusual course of voting for the amendment, because I really did not think the motion had much chance at all.

I think, if Mr. Aiken would not mind withdrawing his amendment, and then make a separate motion afterward, that it would relieve the dilemma.

Mr. AIKEN: I was going to offer to do so, with Mr. Montgomery's approval. I will make a separate motion later.

The CHAIRMAN: We will consider the amendment withdrawn. Are you ready for the question on the main motion? The motion is that the deposit be increased from \$200 to \$500.

All in favour of the motion?

All opposed?

I declare the motion lost.

Mr. AIKEN: Mr. Chairman, may I move that the deposit under subsection (10) (b) be increased to \$300.

Mr. HODGSON: Would you include in that that the number of signatures also be increased?

Mr. AIKEN: No.

Mr. PICKERSGILL: No.

The CHAIRMAN: Mr. Montgomery seconds the motion. Are you ready for the question?

Mr. HOWARD: Mr. Chairman, in this regard I think I might reiterate my point. \$300 was mentioned. Initially I said \$200 or 200 signatures. I think we should consider giving an alternative, because of the economic question. May we, as an alternative to the \$300 deposit say 300 signatures of registered voters. It would be either one or the other.

Mr. AIKEN: On that point, one question has been raised which I think Mr. Howard is not taking into consideration; that is, that while \$300 may not be enough to cover the cost, yet for every additional candidate there is an additional cost, I believe, to the chief electoral officer in respect of extra work, more ballots and so on. I think that the deposit in addition to being somewhat of a deterrent would also be of some assistance to the treasury. I would like to ask Mr. Castonguay whether or not there is any substantial difference in the cost of an election by the addition of, let us say, one candidate.

Mr. CASTONGUAY: Not substantial.

Mr. AIKEN: Would the \$300 deposit cover any financial increase?

Mr. CASTONGUAY: Offhand it would be very hard to say. I would say offhand that it would not, but I would like to give that some thought. I am giving this opinion offhand and I would not think that \$300 would cover the cost of an extra candidate.

The CHAIRMAN: Mr. Mandziuk.

Mr. MANDZIUK: I do not think we should run into this too hastily. True enough, the increase to \$500 was overwhelmingly defeated, as it was too high. I do feel, however, that it should be left as it is, and that there be no alternative, because were the forfeiture made too much and there was an alternative of 300 or 500 names, any crackpot or any—I will be frank—communist candidate in any constituency could get names very easily. I feel we should leave it at \$200. That is fair enough and it is not too high for a man of modest means. I do not think any increase at all is warranted.

Mr. HOWARD: Are you looking directly at me?

Mr. MANDZIUK: No. I was thinking of myself.



The CHAIRMAN: We endeavour to be informal, but I really do not think we can vote on subsections 8 and 10 simultaneously. We will have to dispose of our views in respect of 10. What we think in respect of 8 may govern our voting behavior on this.

Is the committee ready for the question on the motion to increase the amount of the deposit to \$300?

I declare the motion lost.

Mr. CARON: Saved by the bell!

Mr. HOWARD: I will decline from testing the sense of the committee on the alternative.

Mr. MCGEE: I would like to move a motion to increase the number of signatures to 25.

Mr. MCWILLIAM: I will second that.

The CHAIRMAN: We are now dealing with subsection 8, Mr. McGee?

Mr. HOWARD: I would think it is subsection 5, Mr. Chairman.

The CHAIRMAN: I am sorry, subsection 5.

Any ten or more electors qualified to vote in an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district.

And your motion is that this should be 25?

Mr. MCGEE: Yes.

The CHAIRMAN: Any comment on this?

Mr. CARON: Would that make a big difference, increasing it from 10 to 25? It is really so easy to get names. Once I had a petition presented to me, and, when I checked the names, more than half of them had signed the petition on both sides. They did not seem to care very much how they signed. Unless you make a very high number of names, I do not think it makes very much difference whether you have 10, 25 or 50.

Mr. MCGEE: There were supposed to have been some funds raised for the widow of the unknown soldier. There was a petition, and thousands of dollars were raised, and much sympathy was rendered. I personally would like to see it increased to 25, which is something more than a nominal number of signatures.

The CHAIRMAN: You are going to support your own motion, Mr. McGee?

Mr. MCWILLIAM: As a seconder, I have a case in mind where an independent candidate took his nomination around and went into a certain building and got ten people to sign it. I made a check on it afterwards, and found that only three of the people who signed the nomination paper went to the poll to vote. I think if you went to a group of ten people anywhere you could get ten people to sign anything. I think the number should be increased, and I would go along with more than 25, even.

The CHAIRMAN: Any other comment on this?

Mr. HOWARD: Is not the reason for electors signing the nomination papers just some sort of token indication there are some people within the constituency who think a particular person should run? To me it makes no difference what the number is. In many provinces it is four, and in a couple of them including the one from which my friend from Bonavista-Twillingate comes—it is just two.

Mr. PICKERSGILL: Yes, you have a mover and a seconder.

Mr. HOWARD: It is in effect, a mover and seconder of the nomination. I think that is sufficient. I would agree to an increase in the number of signatures,

only if you had an alternative to the deposit. Then I think this would serve as a guide to the degree of support a person might have in a riding, if he can make it on an economic basis, and there is some other obstacle for him, or his supporters, to overcome, and that is to obtain a large number of signatures. Generally, if the deposit is there, it does not matter whether it is 10, 2, 4 or 5. All it is is just a token indication that someone supports the individual candidate.

Mr. PICKERSGILL: I would like to say a word in support of the position taken by Mr. McWilliam. I do think a certain number of fly-by-night candidates can come in in just the last hour or so before nomination and easily get 10 signatures. To raise it to 25 would make that rather more difficult, because these signatures do have to be verified. I think if you go much beyond 25 you are imposing an undue burden on the returning officer, whose duty it is to check the names. In this particular case, I think 25 is just about as good a number as one could select.

Mr. CASTONGUAY: I would like to correct that. The returning officer has no duty to check whether these ten people are fully qualified electors. This is done under oath.

Mr. PICKERSGILL: The election could be upset?

Mr. CASTONGUAY: Yes, the election could be upset, but there is no duty imposed on the returning officer to see they are qualified electors.

Mr. PICKERSGILL: I think my argument is just as good, whichever way it is, because if a candidate has to get 25 bona fide electors—and his agent has to take an oath that they are bona fide electors—that does provide a certain amount of guarantee against the kind of thing Mr. McWilliam said had happened.

Mr. AIKEN: Mr. Chairman, this is purely a nominal thing. It reminds me very much of the situation in Ontario, where we have a nominal consideration of \$1, and quite a few legal firms have taken to the practice of changing the nominal figure to \$2. I think we should leave it as it is.

Mr. MONTGOMERY: I agree with Mr. Aiken.

Mr. GRILLS: I think Mr. Castonguay will recall an election in Hastings-Frontenac when the late Dr. Sidney Smith was elected. Neither the Liberal party, nor the C.C.F. nor the Social Credit parties ran any candidate. A wild party came from Toronto and caused an election. In that case, I think it is doubtful whether this gentleman who came down could have got 25 signatures, but he might have been successful. I could not see where there was any good purpose served by that election.

Mr. CASTONGUAY: In this particular case at least four people who signed endeavoured to get their names taken off the paper when they realized the affiliation of the individual.

Mr. PICKERSGILL: That is a pretty powerful argument Mr. Grills made.

Mr. AIKEN: That is a good argument.

The CHAIRMAN: Are you ready for the question? I need not repeat the motion of Mr. McGee.

Motion carried.

The CHAIRMAN: We are almost at the hour of departure. If there is nothing further on Nos. 21 and 28, and form 35, we can start with a clean slate next time.

Mr. PICKERSGILL: Just before you make that assumption, Mr. Chairman, I would like to say this. Mr. Howard made an assumption at the beginning of the committee that there was no use wasting time in discussing the question of political affiliation.

Mr. HOWARD: It was an assumption on my part.

Mr. PICKERSGILL: That the committee would not pay any sort of attention to that.

It has been my view, for many years, that the political affiliation should not be on the ballot, and I think I opposed it once in the house. But, quite frankly, I have changed my mind about it. I have come to the conclusion if we could find a satisfactory way of doing it, that it would be, on balance, a good thing to do; and I would not like to think we had agreed to close that discussion at this stage.

Mr. HOWARD: What I intimated was that if this committee reflects the attitude that past committees have reflected, as has the house too, and the two major parties in Canada—on the question of the name of the party on the ballot—I did not think I would get much support for the idea I had. I am opposed to it myself, even though the party I belong to says the party affiliation should be on the ballot.

Mr. PICKERSGILL: I was not speaking for anybody but myself; but I have personally changed my mind about this question. I do not want to waste the time of the committee now, by talking about it, but I feel we should not close this question, if there is any support for it.

Mr. BELL (*Carleton*): I do not think there is much support for it.

Mr. CARON: I think in the province of Quebec—where names are so similar, a large number have the same surname and the same family name—in some cases it would have been much clearer for the elector to know of which party Mr. so-and-so was a representative. There was, at one election, two Jean Fourniers in the same constituency. It was very hard to know which one they wanted to vote for. They might have wanted to vote for the Liberal or the Conservative, but they did not know which was which. Also, I think they were both lawyers.

The CHAIRMAN: The chairman cannot prejudge the committee's disposition on any item. There is no motion, but if there should be one the committee will express its view.

Mr. MCWILLIAM: I suggest we stand adjourned. There is another committee meeting at 11.

Mr. CARON: We will bring that up at the next meeting.

The CHAIRMAN: We will carry on where we have been all day, on section 21.



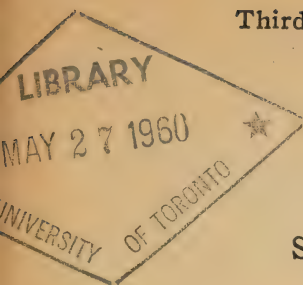


HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

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MONDAY, MAY 16, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,  
and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherapa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

MONDAY, May 16, 1960.  
(12)

The Standing Committee on Privileges and Elections met at 9.30 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Caron, Henderson, Hodgson, Howard, Macquarrie, Mandziuk, McBain, Montgomery, Paul, Pickersgill, and Webster—(12).

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee resumed its detailed consideration of the Canada Elections Act, Mr. Castonguay answering questions thereon.

### *On Section 21:*

Subsection (10) (b) was reworded and adopted as follows:

“(b) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada.”

The Section, as amended, was adopted.

*Section 22* was considered and allowed to stand.

Sections 23, 24, 25, 26, 27, 28, 29, 30 were adopted.

### *On Section 31:*

Subsections (1) to (4), (6) and (7) were adopted.

Subsection (5) was allowed to stand.

Sections 32, 33, 34, 35 were adopted.

*On Forms No. 35, 37 and 38:* Suggestions were made to change the names used on the sample ballots.

Section 36 was considered.

At 11.00 a.m. the Committee adjourned until 9.30 a.m. Tuesday, May 17, 1960.

E. W. Innes,  
*Clerk of the Committee.*



## EVIDENCE

MONDAY, May 16, 1960.

The CHAIRMAN: The meeting will come to order. I must thank the members of the committee for their good and prompt attendance at this first Monday session. It will not be the last. Mr. Pickersgill.

Mr. PICKERSGILL: Mr. Chairman, I would just like to say a word at the opening of the session today, if I could, in the hope of removing any misunderstanding there may have been about certain statements I made at the last two meetings of the committee.

I am not blaming anybody about this, but an interpretation has been put upon what I said which I do not think my words would warrant; but I am not even going to argue about that. What I am going to say is, that I did criticize, and I still criticize, the conduct of the government in a certain matter—which I think is a perfect right of any member—but I never intended to suggest the slightest reflection of any kind whatsoever on the personal honour or integrity of either of the gentlemen who were ministers without portfolio.

The minister without portfolio from Newfoundland is a man whose reputation is, to the best of my knowledge, of the highest; and as for the other minister, he has been a friend of mine for about 30 years and I would trust any of my personal affairs to him any day at all with absolute and implicit confidence.

Some hon. MEMBERS: Hear, hear.

The CHAIRMAN: Thank you, Mr. Pickersgill. We have a little draft amendment of subsection (10) this morning. We will have that circulated before the committee meeting ends.

As I recall, gentlemen, we were discussing the question of entering upon the ballot the political affiliation of candidates. Is there anyone who wishes to bring this matter forward?

Mr. HOWARD: I think Mr. Pickersgill raised the question last, relating to it. I think he was the last person to mention it.

Mr. PICKERSGILL: Were we going to deal with this draft amendment, Mr. Chairman?

The CHAIRMAN: Since it was not before us, I thought we would take that later, perhaps during the closing minutes of the meeting.

Mr. PICKERSGILL: On this question of the political affiliation, Mr. Chairman, I realize it is quite important to get on with the business of the committee and I would not wish, if it is quite evident that a great majority of the committee is opposed to this, to take a lot of time talking about it. But if members have an open mind about the matter, I would like to state very, very briefly why I have changed my mind about this matter. I think that perhaps we ought to hear from someone else first.

Mr. BELL (*Carleton*): Mr. Chairman, personally I retain my view, in regard to Mr. Pickersgill's earlier view. I have not changed my mind.

Mr. HOWARD: That is what is known as conservative.

The CHAIRMAN: I am faced again with the situation that some members of the committee seem to suggest that other members of the committee are opposed to this. If anyone wishes to make a motion, I suppose the test of the opinion could be made; otherwise we could pass on, if that is the feeling of the committee.



Mr. PICKERSGILL: I do not think, sir, that there is enough support for it to be worth while going into the matter here in the committee.

The CHAIRMAN: Is there anything further under section 21, section 28, or form 35?

Mr. BELL (*Carleton*): We are approving the amendment to paragraph (d), subsection (10) that has been circulated?

The CHAIRMAN: You all have a copy of this amendment. This is substantially the suggestion of Mr. Bell, with consequential alterations in language in the closing clause. We deleted the reference to the banks in the beginning, and a change has been made at the end. I think it represents substantially the views that were put forward the other day.

Is this agreed, then?

Agreed.

The CHAIRMAN: Thank you. Is there anything further on sections 21, 28, or form 35? If not, we will pass on to section 22.

Mr. BELL (*Carleton*): Mr. Chairman, may I raise a question with the chief electoral officer with respect to section 22, as to whether it ought not to be a requirement that the candidate withdraws before 48 hours before the opening of the poll.

It would seem to me that we ought to impose a requirement that if a candidate is to withdraw, he must withdraw within 24 hours after nomination day, or some period of that sort.

The candidate who stays in and withdraws at such a late hour is only creating complete confusion. We should do something about it.

Mr. CARON: He should withdraw before the papers are printed.

Mr. BELL (*Carleton*): In municipal elections I think they are compelled to withdraw by nine o'clock on the night of nomination day.

Mr. CARON: In some of them, they are given 24 hours to withdraw after nomination.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): In so far as the period which the committee would like laid down as to withdrawing, I have no comment to make on that. But you must remember that the ballots are printed after three o'clock on nomination day. That is when the printing begins, immediately after three o'clock. The printing of the ballot papers begins then.

So if it is the thought of the committee to have the candidate withdraw in sufficient time to eliminate maybe a second printing—

Mr. CARON: For the last election, how many withdrew after the ballots were printed; do you remember?

Mr. CASTONGUAY: I would not know, offhand; but I think that the ballots were printed before anyone did withdraw. We had to reprint, where we had time.

Mr. CARON: Were there many of them?

Mr. CASTONGUAY: No, there were not many. There is one problem that came up with this particular section in the 1957 and, 1953 elections that I think I should bring to the attention of the committee.

Two candidates withdrew, and followed the procedure here, and there was some doubt as to the two electors who certified the withdrawal. I withheld the acceptance of the withdrawal until such time as we could find the candidate to ascertain definitely whether this was a bona fide withdrawal.

I would seem to me that if the candidate is going to withdraw, he should withdraw in person to the returning officer. This is not too satisfactory a procedure.

Mr. CARON: In person?

Mr. CASTONGUAY: I think so—so that we do not get into this panic that we got into on two occasions. I was not satisfied with the matter on those occasions. I withheld the acceptance of the withdrawal for 24 hours until we could find the candidates. On one occasion we did not find the candidate; on the other occasion I was satisfied that it was a bona fide withdrawal.

Mr. CARON: Because with a telegram you cannot check very much; there is no signature at all on a telegram.

Mr. CASTONGUAY: No.

Mr. CARON: Anybody could send it. He should come 'round and say, "I am withdrawing". He will be responsible for that telegram anyway.

Mr. CASTONGUAY: There may be some hardship if the candidate is required to appear in person. I do not know what it would be, but I would say that if the returning officer saw the candidate and got his written consent, that would be enough.

Mr. MANDZIUK: Mr. Chairman, could the chief electoral officer tell us whether or not the printing of the ballots could be deferred for 48 hours?

Mr. CASTONGUAY: I would not like to see the ballots deferred at all, because in some places we have a period of only four days between nomination day and polling day. If we delay 48 hours, the ballots may be delivered very late. The returning officer must be given a chance to deliver his boxes.

Mr. WEBSTER: He loses his deposit, if he withdraws, does he not?

Mr. CASTONGUAY: Yes, and also the advance polls.

Mr. MANDZIUK: Are the ballots printed locally too?

Mr. CASTONGUAY: In the electoral district.

Mr. PICKERSGILL: In view of the very large number of persons who will be entitled to vote, if our amendment is accepted, at the advance polls, I wonder whether the withdrawal should not be at some time before the advance polls?

Mr. BELL (*Carleton*): Yes.

Mr. MANDZIUK: Yes, I agree.

Mr. BELL (*Carleton*): I certainly agree with Mr. Pickersgill on that.

Mr. CARON: Twenty-four hours before the opening of the advance poll.

Mr. MANDZIUK: It would give the matter of withdrawal more publicity. Of course, our means of publicizing now are, in any event, better than they were in the past; but all the same—

Mr. PICKERSGILL: But in some ways worse, in the last 48 hours before the poll. There is a kind of blackout period.

Mr. CASTONGUAY: Forty-eight hours before the opening of the advance poll would help us a great deal in having the ballots reprinted, to remove the name from the ballot paper of the candidate who has withdrawn.

I do not know whether that would happen for the advance polls; but it would happen for ordinary polling day.

Mr. PICKERSGILL: At the advance polls there will not be so many that some special notice, even if it were hand-written, could not be put in.

Mr. CASTONGUAY: The procedure is here, and it is fairly satisfactory for that purpose. But at least for ordinary polling day at the general election, or by-elections, if it were 48 hours before the opening of the advance polls, the ballots could be reprinted.

Mr. PICKERSGILL: I would be glad to make a motion, Mr. Chairman, to substitute "the advance poll" for "the poll on polling day".

Mr. HODGSON: What did you say there, Jack?

Mr. PICKERSGILL: I just say that in section 22 (1) we could just substitute the words "before the opening of the advance poll", for "opening of the poll on polling day".

Mr. MANDZIUK: I second that.

Mr. CASTONGUAY: On the first day of voting at the advance poll: that would be 48 hours before the Saturday.

Mr. PICKERSGILL: Yes. I would leave the precise wording to the chief electoral officer to go into with the draftsmen.

The CHAIRMAN: Would you be prepared to have the chief electoral officer come back with the wording on this?

Mr. PICKERSGILL: Certainly; if we could just perhaps accept the principle.

Mr. BELL (*Carleton*): Should we not, at the same time, accept the principle that the chief electoral officer has advanced, that the withdrawal should be made in person before the returning officer, to get away from the problems he has indicated?

Mr. PICKERSGILL: I include that in my suggestion.

Mr. CARON: If he does not intend to run, he will not be campaigning, so he would be around to be able to do that.

Mr. PICKERSGILL: I did hear of a case in one election—it was not a federal election—where one of the candidates left as soon as he got his nomination. He got married and went off to Florida, and did not turn up until the day the election was over.

The CHAIRMAN: As I said before, this is a most educational committee!

Mr. HOWARD: Would that be worse than being elected, Jack?

The CHAIRMAN: We will leave that section to the next meeting. Now we come to another sad, but more certain form of withdrawal, the death of a candidate.

Mr. PICKERSGILL: That does not have to be done in person, I suppose?

The CHAIRMAN: That is section 23. Is there anything further on section 23? I do not like to ask the chief electoral officer if this works well. Do you have any comment on this, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

Mr. BELL (*Carleton*): There have been no problems, have there?

Mr. CASTONGUAY: No.

Mr. BELL (*Carleton*): From the chief electoral officer's point of view.

The CHAIRMAN: We move on to section 24, which is for some people a far happier situation, return by acclamation. Do you have any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: We have not had much experience with acclamations.

Mr. WEBSTER: Was it not Carter, in Newfoundland, who got in by acclamation in 1957?

Mr. PICKERSGILL: 1953.

The CHAIRMAN: I take it we have nothing more to say on this. Section 25, the granting of a poll. What about that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Have any members any questions?

Mr. PICKERSGILL: It is really in very delicate language, is it not? I have never looked at the language before. I suppose the reason you have to say that, instead of "more than one candidate", is because of Halifax and Queens?

Mr. CASTONGUAY: Yes.



The CHAIRMAN: And surely that is an important enough exception to justify the greatest delicacy.

Mr. PICKERSGILL: I recognize the delicacy, Mr. Chairman: that is why I drew attention to it.

The CHAIRMAN: Is there anything further, gentlemen?

Mr. WEBSTER: Pass on.

The CHAIRMAN: We are agreed on that?  
Agreed.

The CHAIRMAN: Section 26, deputy returning officers and poll clerks.

Mr. CARON: Mr. Chairman, I would like to say something on section 26. I would like to see, in section 26, something similar to what they have in the province of Quebec. Maybe Mr. Castonguay could elaborate on this. In Quebec there are only two parties. Over here we are used to more than two; sometimes three, four, or five parties.

In the province of Quebec the recommendation for the deputy returning officer is made by the Prime Minister or his official representative. The Prime Minister has to send a letter to his official representative to nominate the deputy returning officer. For the clerk it is the same principle, but he is recommended by the leader of the opposition.

Over here we have three, and sometimes four, parties. I wonder if there could be anything drafted so that the candidate who had the most votes at the previous election, or his party, would recommend the deputy returning officer; and the one who had the next highest number of votes would recommend the clerk. It would be much more satisfactory, especially in the areas where there is very great distance; and now we have the vote for the Indians, there is quite a lot of travelling, and it would make quite a lot of expense to the candidates if they had to send somebody by plane or otherwise, let us say, 150 miles away. That way the returning officer would be from one side, and the clerk would be from another side. This would give a chance to the candidates to see that everything was conducted as it should be.

The CHAIRMAN: Are there any other comments on this suggestion?

Mr. HOWARD: It does not matter too much one way or another, to me; and so far as the conduct of the election is concerned, there are checks and balances there in the form of scrutineers. If the candidates and parties get around to being able to have scrutineers in each poll, it does not matter a great deal.

We have the same thing with the enumeration, and this is the principle which applies there.

Mr. CARON: That is the same principle.

Mr. PICKERSGILL: I am very much in favour of the suggestion that Mr. Caron has made. It is pretty hard, particularly in those constituencies where there are great distances, where air travel is expensive, and air travel by chartered plane is the only way of sending people in. It is a very great burden on the candidates or on those who are helping the candidates to get representatives of the candidates in to many of these polls.

I would not think that Mr. Caron's suggestion would need to be applied in the case of urban polls at all. But for rural areas I do think it might reduce the travel cost to all parties in an election. A great many people would feel that if the clerk had been nominated by whoever was the leading opposition candidate, or had been at the last poll, that would be sufficient to ensure all the safeguards.

A great deal of what we all recognize—although legally in the past it has not been an expenditure—has in fact been an expenditure, and too many candidates could be affected. The cheaper an election can be conducted, the better it would be, not merely to the treasury of the country, but to all political parties as well.

Mr. MONTGOMERY: The clerks are always appointed by the deputy returning officer, and in my experiences the candidates have not had anything to say about it.

Mr. PICKERSGILL: Mr. Caron's suggestion is that the deputy returning officer should be nominated by the representative.

Mr. CARON: As it is in Quebec, the deputy returning officer is nominated by the returning officer and on notification of the Prime Minister who sends a letter to his candidate—and the name is given in that way.

But as for the clerk, he is nominated by the returning officer; but that letter to the candidate coming from the leader of the opposition states that he is the official representative. He nominates the people who are to be in the poll, and there is always one from each party. It has never been criticized in Quebec. We have criticized the law on other points many times when the Conservatives were in power, and the Conservatives have criticized the law when we were in power; but this part of it has never been criticized at all. It is, I think, as you have it there.

Mr. BELL (*Carleton*): It seems to me that the existing system has been working satisfactorily.

Mr. CARON: Not always.

Mr. BELL (*Carleton*): Where the returning officer has it within his exclusive jurisdiction to make the appointment of the deputy returning officer, and when the deputy returning officer in turn has it within his exclusive jurisdiction to make the appointment of poll clerks, it has been something which has worked out satisfactorily and has been approved by the various committees.

Therefore I have some reluctance to make a change which involves bringing into the polling booth party politics on an outright basis. I have never encountered any real complaint in the many constituencies in which I have campaigned on election day, and in elections across Canada.

In my own constituency in 1957 all the deputy returning officers were appointed by the man who in 1952 was the Liberal opponent, and I never had the slightest complaint about one of the appointments he made.

If the machinery was Liberal in 1957 in my constituency, I can only say that I had the utmost confidence in the way in which it was conducted, and there was no indication of any kind of any difficulty. But it seems to me that the moment we bring party politics inside the poll in the persons of actual officials, we are also going to reduce the checks, balances, and safeguards which exist through the agents at the poll. If the authorities say that it is no longer necessary to have agents there the result will be that we will have the virtual abandonment of scrutineers.

If under these circumstances then, at the poll, you are going to have representatives of all the parties at the poll, I think we will have difficulties, for example, so far as third and fourth parties are concerned in a constituency, where there is not almost or virtual equality. In that I think the situation is a little different.

But when you come to the preparation of electoral lists, there things are not as final as they are in the polls. There you are subject to revision, and there is plenty of opportunity to recover any errors that may be made.

So I think it would be unwise for us now to start to bring party politics into the polling booth, and I hope that this proposal will be resisted by the committee.

Mr. CARON: I think Mr. Bell has given exactly the reason why the change should be made. He said that when preparing the list, it is not quite as final as in the poll, and that is the exact reason. Otherwise, when you are preparing the

list there is a revision, and more especially this year, when there are revising agents nominated to see that nobody is put out of the list. But on polling day it is another matter.

In Quebec we may have a different way of looking at things because we are different politicians; we are Latins, you know, and we look at it with much enthusiasm, maybe with too much enthusiasm sometimes. And then in so far as special parties are concerned, we are all the same, and we may say that with all our heart, that we may take a chance which they would not take in any other province.

I would think it would be quite a safeguard, because if the deputy returning officer sees that the man recommended is not fit, after examining the candidate, he can call for another one.

I know that I was in a difficult situation in 1957, but I never thought of it until I read this Section the other day. There was an independent candidate, and generally the returning officer used to take the recommendation of the government's representative. It has been almost always done that way.

The Returning Officer refused to take the recommendation of the official Liberal, or the official Conservative candidate, and he nominated only those recommended by the independent candidate. We had a few troubles,—not major troubles, but we had a few, which indicated that we would have more trouble in the future if there was not certain protection. That is the reason I brought up this matter.

We have always had it in the act in Quebec, and it is worked very well. Nobody has complained at all, and when we had some candidates from the Social Credit party, they never complained because they were restricted to two parties.

Mr. PICKERSGILL: I wonder if the chief electoral officer can tell us whether or not this or any similar suggestion has ever been put forward before, or considered at any previous revision of the act.

Mr. CASTONGUAY: I think this proposal has been put forward at every committee at least since 1936-37. The committees have never approved of the suggestion at any time since then. I think it began in 1936. I can recall every committee that studied the Canada Elections Act since then, and that they had this proposal put before them.

Mr. HENDERSON: I would like to say, like Mr. Bell, that I have had lots of experience with elections.

Mr. CASTONGUAY: What was your question?

Mr. HENDERSON: I said that I have had lots of experience around elections.

Mr. WEBSTER: Our returning officer decided it on a 60-40 basis in 1957 and again in 1958, and it worked all right. In 1957 the Liberal member got 60 per cent of the returning officers, while I got 40 per cent.

Mr. CARON: If it were made official, it would be fifty-fifty.

Mr. WEBSTER: In the past he nominated 100 per cent, but that year we got together with the returning officer and it resulted in a 60-40 decision.

Mr. CARON: It was not official. But if it became official, there would be one from each side, and I do not think it would bring more politics into the poll than there are there at the present time.

Mr. MANDZIUK: What was the experience in past election? Have you had any irregularities or complaints, or anything like that?

Mr. CASTONGUAY: At every election you have irregularities, but they are very slight.

Mr. MANDZIUK: I have a returning officer in my constituency who has been there since 1949, 1953, 1957, and 1958. I have never heard of any complaint



there from anybody or from any source, nor have I any complaint against him. He is still there, and as far as I am concerned he may remain in office until he is 65.

Mr. CASTONGUAY: It is not mandatory that he be removed from office at the age of 65. Some of them are in their eighties now.

Mr. MANDZIUK: I am prepared to keep him there indefinitely.

Mr. CARON: If this could be eliminated, it would be to the advantage of everyone. When you come to polls which are very far away, this would cut the expenses of the candidates, because if you have to send a man by plane, let us say, for a hundred or a hundred and fifty miles to represent you at the poll, and it might be a very small poll, it is an expensive proposition.

Mr. MANDZIUK: It would do away with scrutineers.

Mr. CARON: In some cases, but not in the cities; but in some cases it would help the candidate to cut down a few of the expenses which, according to law, are required.

Mr. MANDZIUK: If the candidate does not have to have a representative at the poll, he is not going to send one for a hundred to a hundred and fifty miles.

Mr. PICKERSGILL: I am thinking about problems which might exist for example in constituencies like some of those in Alberta, and in areas of that sort where you really do not have, in many of these polls, persons sufficiently experienced. Once you have picked the deputy returning officer and the clerk it is very hard to find someone with the experience of paper work and that sort of thing to be a good representative of the candidate. There is no doubt that this would be an added assurance in the outlying areas that every precaution was being taken. I am not concerned very much about what irregularities there may have been in the past; I am much more concerned about meeting the situation in these remote areas for the future.

Mr. Caron has made reference to the fact that in the nature of things there will be more of these remote electors because of the change made in the law recently giving the vote to all Indians on the reserves. It is not especially on this account, but primarily for these remote and outlying areas I think this would be a great advantage. I would like to ask the chief electoral officer if he recalls who brought this up, say, the last time there was a revision. I would also like to ask what arguments were put forward.

Mr. CASTONGUAY: I do not remember which group, but I think the late Mr. Macnicol, the member for Davenport, was a strong supporter and the late Rodney Adamson was also a strong supporter of this proposal. It was brought up in 1936 when the urban enumerator principal was established. Mr. Macnicol wanted it extended to the poll clerk.

Mr. PICKERSGILL: It is my recollection that Mr. Macnicol was one of the principal exponents of this view.

Mr. McBAIN: I do not quite follow Mr. Caron's argument, that it would save expenses to our country by appointing these from one party or another. Is the per diem not paid by the treasury?

Mr. CARON: They are nominated by the returning officer. Suppose there is a poll a hundred miles away in the bush, where there are few roads; if they are both on the same side it may never happen, but it may happen that those two would manipulate or organize the election, because some candidates will not have the means of sending representatives by chartered plane to a section 100 or 150 miles away. Even if he has the means, it is illegal to do so because he would have to pay the man to go there, and it would be too much expense for the one man.

Mr. MCBAIN: Following Mr. Caron's suggestion, I am taking it that in these outlying areas mentioned, the expenses of transporting someone in there is in order to man the polls.

Mr. CARON: To represent the candidate.

Mr. PICKERSGILL: It is not to remove the need for scrutineers.

Mr. CARON: It is quite an expense and the poor ones cannot afford that.

Mr. MONTGOMERY: If there is going to be any challenge made, it is by the agents. I have never seen where the D.R.O.'s poll clerk will challenge anyone. If the name is not on the list he simply says "You must go out". I have had experience with rural polls. In every election, even the last one in 1958, I had a good many Liberal deputy returning officers, and so far as I know they selected their clerks. I have never had any complaint. That is a well known system in my area. I certainly would oppose a change here. I would have no objection to supporting it if it could be worked out for these remote areas. Perhaps it could be worked out for the province of Quebec and these remote areas in other parts of Canada; if so, it would be an alternative. I cannot support any motion that this be made a general law. Immediately the two candidates would be accused of playing politics.

Mr. CARON: Are they not?

Mr. MONTGOMERY: If you leave it to the deputy returning officer, then if a Liberal is appointed your friends could not blame you, and if a Conservative is appointed the Liberals could not complain. That is the way it has been going. The deputy returning officer, in my experience usually appoints somebody he knows and he will help him on election day to do the job right. I think it is possible you might get a deputy returning officer and a poll clerk on each side who were not friends, and you might have a devil of a flare-up in the polls. I have always had a third party running, and I think where there are more than two parties there might be a fear that the two old parties are not treating him right. There you would get all sorts of arguments. I feel, unless something can be done in respect of the remote areas, which I would be willing to support, that I do not want to see any change, in so far as the ordinary poll is concerned.

Mr. PICKERSGILL: I think primarily the problem is in the remote areas. This seems to be a position which is taken by the opposition. It was taken by the Conservatives when the Liberals were in office from 1936 until the last revision, and now it seems to be taken again by the opposition. Presumably it is for reasons which would not be dissimilar altogether. It does seem to me that in well settled areas there is no problem at all; but in remote areas, where the cost of getting these agents to the polls is very great, it would be an additional assurance that someone, in whom the candidates of the parties which had the overwhelming majority of the votes at the previous election would have confidence, would be present at the poll. Even if there is only one instance in the whole of Canada where the two officials—being the only two there—would manipulate or cook up something—and this has been known to happen—it would be too bad if we could have prevented it and did not do so. I support Mr. Caron's suggestion.

Mr. HODGSON: I think we had better leave it as it is.

Mr. CARON: When we speak of a remote area, it is very hard to make a special exception for one. We have to put it in the law or not put it in the law.

Mr. BELL (*Carleton*): I agree with that.

Mr. CARON: In some cases it is said that they have 60 per cent for the government and 40 per cent for the opposition; it is an understanding, but it is not in the law. If it was in the law everybody would be satisfied.



Mr. PICKERSGILL: I would be perfectly satisfied if it applied to rural polls. In the rural poll there is only one enumerator. A person's name does not have to be on the list. It can be sworn to on election day. It is only in the rural polls that the problem of not having the candidate represented would ever arise. I would be completely satisfied if Mr. Caron's suggestion were applied to rural polls.

Mr. HENDERSON: There is nobody who has more rural polls or more remote ones than I have. I am in favour of leaving it just as it is.

Mr. PICKERSGILL: You are just an old Tory.

Mr. HOWARD: There is a socialist who would agree with him.

The CHAIRMAN: Are you ready to give your views in respect of this section?

Mr. CARON: May I put a question to Mr. Castonguay. Would it be possible to work it out only for the rural section.

Mr. CASTONGUAY: Everything is possible, if the committee agrees.

Mr. HODGSON: My riding is practically all rural and some of it is sparsely settled. I had a returning officer there who was a Liberal candidate in an earlier election. I think in the last two elections they appointed probably 60 or 75 per cent of the persons who had the job at the polls previously. I did not have a complaint any place, except from a few Tories, that they still had the job.

The CHAIRMAN: Do we agree to section 26?

Agreed.

The CHAIRMAN: Section 27, ballot boxes and ballot papers. Do you have any comment, Mr. Castonguay?

Mr. CASTONGUAY: I have no comment.

The CHAIRMAN: Gentlemen, have you any comment?

Mr. CARON: There never has been any trouble with this?

Mr. CASTONGUAY: No.

The CHAIRMAN: Section 28. We took this up in connection with section 21.

Mr. PICKERSGILL: Has any consideration ever been given at any time to altering the order of the names on the ballots? I am not arguing this personally because the name of my opponent began with a "W" and my name was first on the ballot; but there is no question that the name at the top of the ballot does get a slight advantage over another. At an election in Winnipeg when I counted ballots we had 50 names on the ballot out of which 3 were to be marked. The illustrative ballot showing how you should vote started with one at the top and two for the second name, and so on. Every person marked one opposite the first name and two opposite the second, and so on down.

Mr. BELL (*Carleton*): Does that happen in a small ballot?

Mr. PICKERSGILL: I am just wondering if any member thinks there is any advantage in having his name first on the ballot. In a number of places they rotate the names. In some areas the ballots start with the end of the alphabet and in some other areas at the middle, and so on.

Mr. BELL (*Carleton*): I really have a much higher regard for the intelligence of our national elector.

Mr. CARON: We all do.

Mr. PICKERSGILL: For the vast majority of them, yes. There was a situation in south Winnipeg of a woman who went into one of the polls in the election of 1935 and said "There is something wrong with this election", and she tore her ballot in two. She said "I came in to vote for Mackenzie King and his name is not on the paper".



The CHAIRMAN: Is there anything further on this?

Mr. BELL (*Carleton*): Is there any suggestion in respect of changing to a less common name than John Smith? I think that caused a lot of difficulty in the Lincoln riding at the last election. On the ballot which we have here I think there is a John Smith. Could you find names which are sufficiently uncommon? You have both O'Neil and Smith on the sample ballot.

Mr. PICKERSGILL: It certainly gives a great advantage to the O'Neils.

Mr. CASTONGUAY: There have been many complaints about the name Smith.

Mr. PICKERSGILL: Has anyone ever heard of a person having a name such as John Doe?

Mr. BELL (*Carleton*): The old traditional names are John Doe and Richard Rowe.

Mr. CASTONGUAY: I think there have been representations before the committee to change the word "Smith". On two or three occasions in the past three general elections there have been Smiths running.

Mr. BELL (*Carleton*): Perhaps Mr. Castonguay could exercise his ingenuity and come up with names which are unlikely to occur.

Mr. HOWARD: Could I ask Mr. Castonguay whether or not it would be possible to print the sample ballot forms with these names on them following nomination day, so that there would be no similarity between the name on the sample ballot and the names of the candidates in the particular ridings? Are these printed beforehand en masse?

Mr. CASTONGUAY: They are printed beforehand on mass and they are included in all the supplies which are sent to the deputy returning officers. Mechanically it would not be too practicable.

Mr. HOWARD: Could you arrange to change one of the names to Howard?

Mr. CASTONGUAY: If we substituted John Doe for Smith this might meet the wishes of some of the persons who have made complaints in the past. The other names have not caused any problem to date; but Smith has.

Mr. PICKERSGILL: I do not altogether like the idea of having Brown as one of the names, I must say.

The CHAIRMAN: We will get to this more sharply on form 35. If it is agreeable we could take this up again after you have given some thought to the variety of names.

Is there anything further on section 28?

Section 29, everyone who forges, counterfeits, fraudulently alters, and so on.

Mr. PICKERSGILL: Have you thought of any new crimes?

Mr. CASTONGUAY: The same old ones come up.

Mr. HODGSON: These boxes sometimes are given to the returning officer a day before the election. Is it legal for that deputy returning officer to take that to his house and open up the ballot box?

Mr. CASTONGUAY: He has to do it in order to familiarize himself with the instructions and to check the supplies. I think one who does not do that may not be doing his job.

Mr. HODGSON: At the last election one fellow was politically of the Liberal faith, and somebody reported that he had the box in his house and had it open. Of course I did not do anything about it because at that poll I had an overwhelming majority. I thought I had better keep my mouth shut.

Mr. MONTGOMERY: It looks as if he should be able to do that.

Mr. CASTONGUAY: Yes.

Mr. HODGSON: The others have a right to check it, anyway, when it is on the table.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Section 30. Have you any comment?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Section 31, the poll and polling stations.

Mr. HOWARD: Perhaps there have been some representations made in respect of this, that is in subsection (5), about the hours of the poll from 8 until 6. I know there is a conflict of time here between the rural and urban areas in respect of the closing of the poll at 6 o'clock in the afternoon and whether or not we might consider advancing that an hour or a couple of hours to make it a bit easier. I know in some communities there is quite a rush in the last hour or hour and a half, especially with people getting off work, and so on, rushing in, in order to vote; and some of them do not quite make it. I wonder whether or not we might consider 8 o'clock, 7 o'clock or something like that. That would give a little extra time to the people who have to rush after getting off work.

Mr. CASTONGUAY: The last three general elections, with the exception of one, were held on daylight saving time. In the election in March the polls were open from 8 to 6 and there were some representations from groups asking for an extension of an hour. I think it arises out of the fact that the voting in March, 1958, took place between 8 and 6, whereas in previous elections when there was daylight saving time everybody seemed to be happy with the 9 to 7 daylight saving. There might be a provision that when an election is held when standard time is in effect that it be 9 to 7.

Mr. CARON: It could be 9 to 7.

Mr. PICKERSGILL: I think that is a very sensible suggestion. There are two provinces in which summer time is illegal under provincial statute. I would think that changing from 8 until 6 to 9 until 7 would conform with what happens in most parts of Canada in a summer election and would be perfectly sensible.

Could we not have it 9 to 7 standard time?

Mr. BELL (*Carleton*): That makes it 10 to 8 under daylight saving time.

Mr. CASTONGUAY: If it is the wish of the committee, I would suggest this be altered to read that whenever daylight saving is in effect, it would be from 9 to 7.

Mr. BELL (*Carleton*): That would be my feeling, Mr. Chairman—that it should be 9 to 7, whichever time may be in force, daylight saving or standard.

Mr. MONTGOMERY: In some areas, you have a peculiar situation. In my area, there are two towns that are on daylight saving, and all the other part of the country is on standard—and the farmers do not like it.

I still think we could open at 9 and close at 7. I think that would be far more convenient.

Mr. PICKERSGILL: If we said 9 to 7, local time, that would meet all contingencies.

Mr. MANDZIUK: I think 8 o'clock is very practical. I am thinking mostly of the rural areas, where you have a small village or small town, and before he goes to the store at 9 o'clock a person can go and vote between 8 and 9 o'clock.

Mr. WEBSTER: I find that everyone is voting on the way downtown—at 8 o'clock.

Mr. MANDZIUK: Eight to nine.

Mr. CARON: Make it 8 to 7.

Mr. MANDZIUK: I would not object to extending it an hour, between 6 and 7, because it gives the businessman, who closes at 6 o'clock, an opportunity to rush in to vote.

Mr. CARON: Make it 8 to 7.

The CHAIRMAN: Eight to seven, standard time, has been suggested.

Mr. BELL (*Carleton*): Local time—whatever the local time is.

The CHAIRMAN: Local, within an area.

Mr. PICKERSGILL: Whatever the time is, in that polling area.

Mr. MANDZIUK: Mr. Montgomery has stated that some in his area are on daylight saving, and others are on standard time.

Mr. CARON: Would it create difficulties for the returning officer, if there were two different times?

Mr. MANDZIUK: It would have to be the one time.

Mr. PICKERSGILL: I do not agree. I do not see the slightest difficulty. I cannot imagine where there would be two different times in one polling area. It seems to me that all that matters is the poll itself, and it does not make the slightest difference whether a rural poll of the constituency is on standard time and one or two urban places are on fast time.

Mr. HOWARD: Do you not have authority to deal with these specific questions?

Mr. CASTONGUAY: Only where there are two different time zones in one electoral district, and then the returning officer, with my concurrence, will determine what time zone will prevail.

Mr. PICKERSGILL: Are there any compelling reasons why the same time should prevail throughout the whole constituency?

Mr. CASTONGUAY: I think it should, because sometimes the counting is finished within twenty minutes, at some polls, and the news gets out, and becomes known at another poll.

Mr. MANDZIUK: And others are still voting.

Mr. PICKERSGILL: You have convinced me.

Mr. BELL (*Carleton*): Could we not use the analogy of the situation where the chief electoral officer now has the authority, where there are two time zones in the one electoral district, and apply it to give him that authority where there is daylight saving and standard time—and he could take the appropriate decision?

Mr. CASTONGUAY: May I make a suggestion? I suggest that you leave the hours as they are now, but put in a provision, saying that when an election is held when standard time is in effect, that the polls will open at 8 and close at 7; but then when daylight saving is in effect, it will be from 8 to 7.

Mr. BELL (*Carleton*): You would still have to have the authority to deal with the situation that Mr. Montgomery raised.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): You will have to take it, by analogy, with the authority you presently have in connection with time zones.

Mr. CASTONGUAY: Would you leave it with me? I think it is the wish of the committee that the polls be open from 8 to 7 throughout the whole province. If that is the wish of the committee, all you want is an extension of one hour. So, no matter what time is in effect, you are going to have voting from 8 to 7. If you leave it with me, I will prepare a suitable amendment.



The CHAIRMAN: Is that agreeable?

Agreed.

Mr. MONTGOMERY: Mr. Chairman, I am wondering what the position would be, if a poll does not open at 8 o'clock? In some cases, where there is a small room in a house, they are unable to get the machinery set up in time for voting to start at 8. In this way, there is a 15, 20 or 30-minute delay. Are they allowed under the act to continue on longer?

Mr. CASTONGUAY: No. Section 99 gives me power to deal with anything, but it excludes the hours of the opening and closing of the poll.

Mr. MONTGOMERY: I think if we agreed on the extra hour, that would cover it, in any event.

Mr. CASTONGUAY: I think the extra hour would be very welcome in the urban areas.

Mr. BELL (*Carleton*): Mr. Chairman, I would like to revert to subsection 2.

The CHAIRMAN: It is agreed that we are leaving No. 5 with Mr. Castonguay, for amendment.

Proceed, Mr. Bell.

Mr. BELL (*Carleton*): I think we had some complaints in connection with improper screening of the actual voting compartments. The section reads:

Each polling station shall contain one or two compartments so arranged that each elector may be screened from observation, and may, without interference or interruption, mark his ballot paper.

It does not seem that this is very strong. However, I think the instructions probably are stronger than that. I think most of us have been in various polls, where the actual screening is really quite inadequate. I am wondering if we might strengthen that section, at least by making it a "shall" and, perhaps, see that there are a little more specific instructions as to the type of screening which is suitable.

Mr. PICKERSGILL: I do not want to be pedantic, but is not "shall" rather a strong word? Would not "will" be a better word?

Mr. CASTONGUAY: We have complaints about the suitability of some premises used as polling stations. However, we have to use what is available to us.

I think, if you make it a "shall", I am forced into the position of providing deputy returning officers with screens. I think they try to get the best equipment there is. However, we include in the rental of the premises, the screens and everything provided so, if you make it mandatory—

Mr. PICKERSGILL: If you said "will" and not "shall", it is not mandatory.

Mr. CASTONGUAY: —I would have to put them in the position of providing adequate screens. In small cities, where the civic authorities have screens, we rent them from the city. However, some cities do not have those facilities. We endeavour, wherever possible, to provide adequate screening. However, if you make it mandatory, I will find myself in the screen business.

Mr. MONTGOMERY: I have not heard many complaints in this regard. I would be quite content to leave it as it is. I think the instructions are very plain.

The CHAIRMAN: Is there anything further?

Mr. MANDZIUK: While we are on this subject, is it legal for an elector to vote openly, right at the desk?

Mr. CASTONGUAY: There is a voting procedure for an incapacitated elector, but he votes in the presence of the scrutineers, the deputy returning officer and poll clerk. However, it is illegal for anyone to vote openly, if the person is not incapacitated.

Mr. PICKERSGILL: I notice that under subsection 3, it is mandatory to have the pencil properly sharpened.

Mr. CASTONGUAY: That is easy to meet, because we supply them sharpened in our kits.

Mr. BELL (*Carleton*): Could you give an estimate of the number of spoiled ballots there are in each election, by reason of their being marked by other than pencil?

Mr. CASTONGUAY: This is an analysis of the 1953 general election—marked for more than one candidate—11,189 out of a total of 60,691. Marked with a tick, 8,824; blank ballots, 7,883; in ink, 2,558; some form of writing or frivolous remarks, 3,525; with numerals, particularly in certain provinces where they had alternative voting—such as Manitoba, Alberta and British Columbia, 3,610. Those are the ones we could put into categories.

In 1957 the pattern is pretty well the same. There were 74,710 rejected ballots. Out of those, 15,447 were marked for more than one candidate; 11,731 had tick marks; 5,585 blank ballots; ink, 5,259; with writing on them, 3,313, and, with numerals, 990, because these three provinces repealed their alternative voting methods this number was substantially reduced. The others were just rejected and could not be accepted or categorized in any way. You could not categorize them.

The CHAIRMAN: Gentlemen, we are leaving subsection 5. Is there anything further on section 31?

Mr. CARON: Yes. I have no real objection, but I see, under subsection 6, some localities may centralize the polls into the one hall, but they cannot have more than ten.

Mr. CASTONGUAY: Yes.

Mr. CARON: I have not that situation in my county, but such a one exists at the St. Charles hall in the Russell constituency. I think they have about ten there. At 5 o'clock in the afternoon, it was so full of people that it was very difficult to circulate around. I think ten is too many. At certain times of the day people cannot pass in that hall. There is only one corridor in which to go in and come out, and with people from ten polls going in there, it was very difficult to manage.

Mr. CASTONGUAY: I, very reluctantly, give permission to the returning officers to centralize. To start off with, our act is based in order to give electors the opportunity of voting in the polling station in that particular polling division. However, the situation is such that, on many occasions, you cannot obtain suitable premises. In some instances, people will not give you even a garage to use. We are forced to centralize. It is only on these occasions when we are forced to centralize. However, on some occasions we centralize to provide adequate protection. This is a defensive move against goon squads. They will not operate in premises that have a uniformed policeman. We put ten polls in the one building, with one policeman. We are unable to obtain enough police for ten different polls. Centralization is mostly the lack of suitable measures, or defence measures, against goon squads. We do not like it, but we are forced into it.

The CHAIRMAN: Is there anything further on section 31?

Mr. HOWARD: Yes. I would like to know what goon squads are. That is something new to us.

Mr. CASTONGUAY: It is a new approach developed in 1957. The standard procedure they follow is this. There would be anywhere up to ten thugs in a goon squad. They go in, armed or unarmed. As they walk in, they tell everybody to face the wall, and knock the phone off the wall. They go in with counterfeit ballots, in some cases, or some they have stolen from other polls,

and they stuff the boxes to their hearts' content. They then walk out. This was quite prevalent in 1957 but, in 1958, through the co-operation of the various police—that is, provincial, municipal and the R.C.M.P.—I was quite happy with the results in this particular centre, where we only lost one ballot box. I think that was quite an achievement.

Mr. HOWARD: Are these ballots then counted?

Mr. CASTONGUAY: No, because they are not subtle about putting them in the box. I do not think they are there to steal the election, but to disrupt it. My view is that I think it is a shakedown racket. They go to the candidates and say: do you want a quiet election? They go to all of them. If the candidates ignore them, then they do not get a quiet election. It is shakedown racketeering, in its worst form.

Mr. CARON: Sometimes they also block the poll?

Mr. CASTONGUAY: Yes, enough persons to block the entrance of the poll, and nobody can get in?

Mr. CASTONGUAY: It is not general; it is localized.

Mr. HOWARD: They talk about union elections being rigged sometimes.

Mr. MCBAIN: Does this take place in many centres?

Mr. CASTONGUAY: There was one large centre. I think they have it under control now.

The CHAIRMAN: Is there anything further on section 31? We will pass on, leaving sub-section (5) until the following meeting.

Section 32, official list of electors to be used at the polls. Have you any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Gentlemen? Shall we move on then?

Agreed to.

The CHAIRMAN: Section 33. This is a lengthy section. Is there any comment on this one? Have you any comment, Mr. Castonguay?

Mr. CASTONGUAY: No.

Mr. CARON: What is the sub-section, dividing lists for large polling divisions?

Mr. CASTONGUAY: That is when you have more than 350 electors on the list during your original enumeration.

Mr. CARON: It is the returning officer doing that?

Mr. CASTONGUAY: Yes, and he splits the list in two and has two polling stations for that list. 350 is the yardstick used for the division.

The CHAIRMAN: Any further comment, gentlemen?

Agreed to.

The CHAIRMAN: Section 34, agents at the polls. Any comment on this?

Mr. BELL (*Carleton*): One aspect of this which causes difficulty in elections is the question of the authority of an agent at the poll to leave the poll and to return. I think there is no doubt about that, but I wonder if it is set out sufficiently. I have encountered that problem on many occasions.

Mr. CASTONGUAY: Before this the agents had to have the permission of the deputy returning officer to leave the poll. This was changed in 1947, I believe. While I have not heard of this particular problem, I have heard of another problem, where the official agent of the candidate, or a runner, as they call them, will move from poll to poll with one form of appointment. This act permits only the candidate to visit every poll; but disruption in the polls has been caused by the runners. They may be the official agent,



or the campaign manager, or some form of personnel. I have had a lot of difficulty in trying to impress on the various candidates that they have not that authority. If a candidate wants a runner he has to have a separate form of appointment at each poll, and at each poll it must be surrendered to the D.R.O.

Mr. BELL (*Carleton*): I think the possibility of the situation I raised is now adequately covered by sub-section 4; but certain of the deputy returning officers who have been on duty prior to that subsection coming into force are still of the view that once an agent goes into the poll he has to stay.

Mr. MONTGOMERY: There is just this question—and I hope very rarely—but he may take sick and may want to go home.

Mr. CASTONGUAY: The candidate, if he wishes, may appoint 100 agents for a polling station, but only two can be present inside. There is that confusion there, but it is pretty well covered by all the national parties in their instructions to candidates.

This problem sometimes comes up because some candidates feel they can only appoint two agents. In fact, they can appoint 100, but only two can be inside the polling station. All the rest can be outside.

The CHAIRMAN: Anything further on section 34?

Agreed to.

The CHAIRMAN: Section 35. Is there any comment on that? Have you anything to say, Mr. Castonguay?

Mr. CASTONGUAY: Nothing at all.

The CHAIRMAN: Have the members of the committee any comment on this section?

Mr. BELL (*Carleton*): Your deputy returning officer can use pen and ink, whereas the voter cannot. Is it not possible for a dishonest D.R.O. to use green ink in one ballot and red ink in another?

Mr. CASTONGUAY: My instructions to deputy returning officers are that if they initial in ink they must continue to initial in ink throughout.

Mr. BELL (*Carleton*): And the same colour of ink?

Mr. CASTONGUAY: Yes, and the same colour of ink, or pencil, throughout.

This was amended in 1955 when complaints were made as to the secrecy of the ballot being violated by deputy returning officers who, on initialling the ballot and giving it to the elector, arranged their initial in a manner that the ballot could later on be identified. This has worked out well, and they are all required to initial them all in ink or pencil, and they must all be initialled before any voting starts. All must be initialled before any voting starts, and if a deputy returning officer has 200 ballots they must all be initialled first. It would be difficult for him to select a particular ballot where electors come in throughout the day.

Mr. PICKERSGILL: If he were a card sharp he might; but then, why would he waste his time being a D.R.O.?

Agreed to.

The CHAIRMAN: Section 36, proceedings at the poll.

Mr. CARON: There is the question of initialling the ballot papers. It is well written that it has to be initialled before the opening of the poll?

Mr. CASTONGUAY: Yes.

Mr. CARON: This would have to be impressed quite a lot on some returning officers because they initial only the one book; and if it is a little dull during the day they start to initial some others. He should not open the poll before they are all initialled?

Mr. CASTONGUAY: My instructions are very clear on that, but you run into a problem of having approximately 100,000 people on polling day working

in the polls. Some of them do not read the instructions as thoroughly as others. I do not think I can make my instructions any clearer. I think it is a question of some people doing their duties with a great deal more care.

Mr. CARON: But being written that way, would there not be any danger of contestation, if they did not do so?

Mr. CASTONGUAY: No, none whatsoever.

Mr. HOWARD: I notice there is reference to forms 37 and 38. Was it your thought, Mr. Chairman, we would leave that discussion about the names on the ballot paper coinciding with the candidates' names till we actually considered the forms themselves? If I recall our procedure correctly, if we got to section 45 or 46 we would then be past all of the forms that would have to be dealt with. I wonder if we might not deal with that subject at this stage, concerning the printing of the name on the sample ballot?

The CHAIRMAN: We could do that.

Mr. PICKERSGILL: Before we do that: Has there ever been any hardship caused by sub-section 6?

The CHAIRMAN: Sub-section 6 of section 36, Mr. Pickersgill?

Mr. PICKERSGILL: Yes.

The CHAIRMAN: "One elector at a time".

Mr. PICKERSGILL: In some parts of this country, if it was 20 below zero there might be quite considerable annoyance caused.

Mr. CASTONGUAY: I have never heard of any serious complaints. When I say "no complaints", I mean none that are more than normal. I think, when you are dealing with 50,000 polling stations, it would be foolish to say there are no difficulties; but I have never heard any serious complaints about the handling of this provision.

The CHAIRMAN: Anything further?

On those forms—35, 37 and 38—the suggestion was that the name "Doe" might be substituted for the name "Smith". It is so appropriate that Doe be an Ottawa resident, it seemed to me. If this suggestion is agreeable, we could deal with it now.

Mr. HOWARD: The idea of this, I assume, is to show to the elector, generally, what the ballot will look like when he sees it?

Mr. CASTONGUAY: In the voting compartment, it is right there.

Mr. HOWARD: At that stage there is a cross on it.

Mr. CASTONGUAY: Yes.

Mr. HOWARD: This is to indicate to him how he might mark it?

Mr. CASTONGUAY: Yes, how he might mark it.

Mr. HOWARD: And not what it is going to look like.

Mr. CASTONGUAY: Yes, this is what he sees. It is right there. This particular ballot is in the voting compartment.

Mr. HOWARD: That is 37, is it?

Mr. CASTONGUAY: Yes, page 290.

Mr. HOWARD: He also sees No. 38?

Mr. CASTONGUAY: Yes, he also sees No. 38, but that is in a dual-member riding.

Mr. HOWARD: Would it not be possible to leave the names off and give some sort of general definition, such as "candidate"?

Mr. CASTONGUAY: I am open to any suggestion.

Mr. HOWARD: Apparently, all that is required is that it should be an indication that he should put a cross wherever he wants to put it?

Mr. CASTONGUAY: Yes.

Mr. HOWARD: Incidentally, I also think they should be allowed to mark it with a tick. This is another subject matter. I do not really see the need for names.

Mr. PICKERSGILL: As a matter of fact, I think there might be a lot to be said for putting the same name four times—putting the name “John Doe” on it four times.

Mr. MONTGOMERY: With different addresses.

Mr. BELL (*Carleton*): I think that would hopelessly confuse the elector.

Mr. PICKERSGILL: I have more respect for the intelligence of the electors of Canada than, apparently, Mr. Bell. They are different in Bonavista-Twillingate.

Mr. BELL (*Carleton*): Now we are even.

The CHAIRMAN: The hour of eleven is almost upon us, gentlemen; and we are close to an expression of consensus on this.

Mr. PICKERSGILL: Do you not think it would be a very good thing for us to think about this between now and tomorrow morning?

The CHAIRMAN: For the next meeting, is that agreeable? Is there anything else on section 36? Perhaps we could leave over sub-section 1 to the subsequent meeting.

Mr. CARON: Leave the whole sub-section over.

The CHAIRMAN: I was trying to inch forward an extra bit, Mr. Caron!

We have the matter of *proxy voting* and a discussion on lowering or raising the *voting age*. If it is agreeable we could take those up at the next meeting, tomorrow.

Mr. BELL (*Carleton*): At tomorrow's meeting or Thursday?

Mr. PICKERSGILL: I do not care.

The CHAIRMAN: If there is no objection, I propose to take it up at tomorrow's meeting.

We will start with the discussion of the age limit.





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

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TUESDAY, MAY 17, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams,—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

### CORRECTION—(*English Copy Only*)

PROCEEDINGS No. 9—Thursday, May 12, 1960

*On Page 256—Line 3 should read:*

“Mr. MONTGOMERY: Regardless of how his name appears on the voters’ list?”



## MINUTES OF PROCEEDINGS

TUESDAY, May 17, 1960.  
(13)

The Standing Committee on Privileges and Elections met at 9.35 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Caron, Henderson, Hodgson, Howard, Kucherepa, Macquarrie, Mandziuk, McBain, McGee, Meunier, Montgomery and Paul.—(13)

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

Mr. Montgomery, M.P., requested that an alteration be made in the Committee's record at page 256 of No. 9 Proceedings.

The Committee continued its detailed consideration of the Canada Elections Act, Mr. Castonguay answering questions thereon.

*On Section 22:*

Subsection (1) is repealed and the following substituted therefor:

"22. (1) Any candidate officially nominated may withdraw at any time after his nomination, but not later than eight o'clock in the forenoon on Thursday the eleventh day before polling day, by filing in person with the returning officer a declaration in writing to that effect signed by himself and attested by the signatures of two qualified electors in the electoral district, and any votes cast for the candidate who has so withdrawn are null and void; the deposit of a candidate so withdrawing shall be forfeited."

The Section was adopted as amended.

*On Section 31:*

Subsection (5) is repealed and the following substituted therefor:

"(5) The poll shall be opened

((a) in polling divisions in which standard time is in force, at eight o'clock in the forenoon and kept open until seven o'clock in the afternoon of the same day; and

(b) in polling divisions in which daylight saving time is in force, at seven o'clock (standard time) in the forenoon and kept open until six o'clock (standard time) in the afternoon of the same day; and

each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station."

The Section was adopted as amended.

*On Section 36 and Forms 35, 37 and 38:*

On motion of Mr. Mandziuk, seconded by Mr. Howard,

*Resolved*,—That the surname appearing on sample ballots be replaced by the surnames "DOE" on the English samples and "CHOSE" on the French samples. (*Carried on division.*)

The Section was adopted.

*Forms 35, 37 and 38* were amended and adopted as amended.

The Committee considered the principle of *Proxy Voting*.

Mr. Pickersgill moved, seconded by Mr. Howard,

That the Committee endorse the principle of *Proxy Voting* based on Section 89 of the Ontario Elections Act with such voting to be provided for fishermen, salesmen, transportation employees, and seasonal workers who otherwise would be deprived by law of the exercise of their franchise.

The motion was negatived on the following division: YEAS: 4; NAYS: 9.

Section 37 was adopted.

Sections 38 and 39 were considered and allowed to stand.

At 10.55 a.m. the Committee adjourned until 9.30 a.m., Thursday, May 19, 1960.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, May 17, 1960.

The CHAIRMAN: Good morning, gentlemen, the meeting will come to order.

Mr. MONTGOMERY: Mr. Chairman, on a question of privilege.

The CHAIRMAN: Yes, Mr. Montgomery.

Mr. MONTGOMERY: In the minutes of the proceedings of May 12, No. 9, at page 256, the last two words in the third line are "ballot list." Maybe I did say "ballot list," but what I meant was "voters' list."

The CHAIRMAN: Thank you, Mr. Montgomery.

To go back to the unfinished portion of yesterday's business, subsection (1) of section 22, you have before you a suggested amendment. Would you please give your attention to this now? This concerns the hours of polling and withdrawal of candidates with respect thereto.

Subsection (1) of section 22 of the said act is repealed and the following substituted therefor:

22. (1) Any candidate officially nominated may withdraw at any time after his nomination, but not later than eight o'clock in the forenoon on Thursday the eleventh day before polling day, by filing in person with the returning officer a declaration in writing to that effect signed by himself and attested by the signatures of two qualified electors in the electoral district, and any votes cast for the candidate who has so withdrawn are null and void; the deposit of a candidate so withdrawing shall be forfeited.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): The only changes to the present subsection are the words that are underlined.

The CHAIRMAN: This filing in person of a withdrawal must be made not later than eight o'clock in the forenoon on Thursday the eleventh day before polling day. Any comments on this amendment? What is your pleasure?

Mr. PICKERSGILL: It seems to meet the point, does it not?

Mr. MANDZIUK: But eight o'clock is rather early in the morning.

Mr. CASTONGUAY: It is 48 hours before the opening of the advance poll.

Mr. MANDZIUK: Oh, he could give it a day or so before.

The CHAIRMAN: Is it agreed?

Agreed.

The CHAIRMAN: Now we turn to section 31, subsection (5), with reference to the hours of polling.

Subsection (5) of section 31 of the said Act is repealed and the following substituted therefor:

"(5) The pool shall be opened

(a) in polling divisions in which standard time is in force, at eight o'clock in the forenoon and kept open until seven o'clock in the afternoon of the same day; and



(b) in polling divisions in which daylight saving time is in force, at seven o'clock (standard time) in the forenoon and kept open until six o'clock (standard time) in the afternoon of the same day; and each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station."

Mr. CASTONGUAY: No comment, except that the draftsman had a lot of difficulty in drawing up this form.

Mr. BELL (*Carleton*): This as drafted does not deal with the situation which we discussed yesterday, where both daylight saving time and standard time are in effect in the one constituency.

Mr. CASTONGUAY: It means that the polls will open in polling divisions in which daylight saving time is in force at seven o'clock standard time, which is eight o'clock daylight saving time. Therefore in polling divisions in which daylight saving time is in force—you take, say, the urban part of your electoral district, Mr. Bell, would be daylight saving. In Richmond, we will say, they might have standard time. Well, (b) means that it will open at seven o'clock standard time, but eight o'clock daylight saving time. In Richmond they will open at seven o'clock standard time, so that it will be consistent throughout.

The reason for the draft was to try to get uniformity throughout the provinces in closing hours so that no electoral district would have polls ending one hour earlier than in others.

Mr. BELL (*Carleton*): As I read this, I see it does provide for uniformity throughout an electoral district.

Mr. MONTGOMERY: It does not quite meet the objection made by some members that people are rushing in at six o'clock.

Mr. PICKERSGILL: It is in fact an extra hour over the present hours.

The CHAIRMAN: The polls are open an hour longer.

Mr. CASTONGUAY: The members of the committee must remember also that there is a provision that all employees receive three hours off for purposes of voting.

Mr. PICKERSGILL: The only objection to this extra hour that I can think of—and I do not suppose it is a terribly serious one—is that it might mean that we will not get all the election results from the whole country on the same day. It is going to be that much later before the results come from Alberta and British Columbia, and it is pretty late now.

Mr. BELL (*Carleton*): This would not change the position from what it was in June 1957?

Mr. CASTONGUAY: No, it won't change it at all.

Mr. BELL (*Carleton*): British Columbia was largely on daylight saving time, with polls closing at seven o'clock in that election.

Mr. PICKERSGILL: Yes.

Mr. BELL (*Carleton*): And that is the situation that will be provided for under this amendment?

Mr. PICKERSGILL: Yes.

The CHAIRMAN: Anything further on this point? Are we agreed?

Agreed.

The CHAIRMAN: We were to take up today the question of proxy voting. If it is the committee's pleasure we can deal with section 36 before we move on to this additional item of Mr. Howard's.

I believe you had some suggestions with respect to 36, Mr. Howard, on the ballot form?

36. (1) The deputy returning officer shall, on polling day, at or before the opening of the poll, cause such printed directions to electors as have been supplied to him in form No. 37 or 38 to be posted up in conspicuous places outside of and near to the polling station and also in each compartment of the polling station.

Mr. HOWARD: I made one or two suggestions, but it only had to do with trying to ensure one way or another that the names on the sample ballot did not coincide with the names of the candidates. Whether that would mean changing the name "Smith" or leaving the space blank or something of that nature, I do not know. It was just a thought, and I understand the rest were going to think about it, and perhaps Mr. Castonguay too.

Mr. CARON: Would it be all right if they would put, as somebody suggested yesterday, "candidate" instead of the name—"candidate", four or five times?

Mr. CASTONGUAY: There was a suggestion made by one member of the committee at the last meeting which I think would meet the wishes of the committee. He suggested we should put "John Doe" in the four spaces. I think that is about the only way you could do it. I think if you put in "John Doe", everybody knows John Doe is sort of a fictitious name. It would serve the purpose of illustrating the ballot to the electorate.

Mr. HOWARD: Each of the four names would be the same?

Mr. CASTONGUAY: The same surname.

Mr. HOWARD: How about John Q. Public?

Mr. MANDZIUK: Do you need a motion to that effect?

The CHAIRMAN: I can entertain a motion with respect to John Doe.

Mr. MANDZIUK: I make a motion to that effect, that the name Doe be used throughout in the sample ballot.

The CHAIRMAN: This will allow variety in the first name.

Mr. PICKERSGILL: What is the French translation of "Doe", or do you do them all in English?

Mr. CASTONGUAY: There is a French version of the ballot, but the names are French names.

Mr. PICKERSGILL: I presume the same thing could be done, one name would be used there too?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: That the one surname be used and that that name be 'Doe'.

Mr. MCBAIN: I wonder if that gives satisfactory instructions to form 38, where you are voting for more than one candidate?

The CHAIRMAN: Strictly speaking, this motion does not have a seconder.

Mr. HOWARD: Oh yes it does.

Mr. CARON: That would be for the English version. What would you do in the French version?

Mr. CASTONGUAY: There has been no suggestion made on the French version.

Mr. CARON: Because I see there: Bruneau, P.-M., 636, rue Notre-Dame, Montreal, avocat; Cadieux, François-Arthur, R.R. No. 3, Rigaud, cultivateur; Ouellette, Joseph, Pointe-Claire, bourgeois; Sauve, Jean-Thomas, 239, rue Cote, Lachine, marchand. You are liable to have those names on all your ballots.

Mr. PICKERSGILL: Well, what is the equivalent of John Doe?

Mr. CARON: There is no equivalent.

Mr. PICKERSGILL: Jean Chose.

Mr. CARON: Well, you want to put something representing everybody. What they usually do when they say they do not have enough space to put all the names in, they say M. Quelque.

Mr. PICKERSGILL: Madam Chose.

Mr. CARON: M. something.

Mr. PICKERSGILL: I think we should have uniformity on both.

Mr. MANDZIUK: Well, what is wrong with putting "Doe" in the French version?

Mr. CARON: Put Dow or Labatts.

The CHAIRMAN: We are getting into a delightful area, but it may or may not expedite our business.

Mr. PICKERSGILL: Too much froth, Mr. Chairman.

The CHAIRMAN: Do you want to dispose of—I use the word "dispose" in the proper sense—deal with this motion of Mr. Mandziuk with respect to the ballot form with the name Doe to appear

All in favour? Contrary?

This will cover the other forms in which the ballot appears.

Mr. CARON: May I move that in French we put Jean Chose?

Mr. CASTONGUAY: Just use "Chose" as a surname.

Mr. CARON: Yes, that would cover the whole thing and there would not be any danger that somebody would be called that.

Mr. HOWARD: What is it in English?

Mr. CARON: "Somebody".

Mr. HOWARD: Why not have the whole thing the same and make it "somebody" in English also?

Mr. HODGSON: What is it anyway?

The CHAIRMAN: It is that instead of "Doe", the word "Chose" be used.

Mr. PICKERSGILL: Would that be all right for your French constituents?

Mr. HODGSON: Yes, I have a French settlement, but they have become so assimilated that there are hardly any people who can talk French.

The CHAIRMAN: Then it is agreed?

Agreed.

Is there anything further on section 36? Anything further, Mr. Caron?

Mr. CARON: No.

The CHAIRMAN: Now, we have been dangling the tempting bait of a discussion on proxy voting. I think now would be the time to take up the subject. I believe Mr. Howard would like to express some views on this subject.

Mr. HOWARD: I undertook, Mr. Chairman, to speak with the people who were here, the fishermen's union, and to get from them a more clear understanding of the times that various fishermen fish for various species of fish or were away from home and so on. Perhaps I could relate that generally as it applies to the west coast. On the east coast there are undoubtedly different circumstances which exist, and different time factors and so on.

With respect to the halibut fishermen, there are approximately 1,500 fishermen involved who are away from their home communities anywhere from two weeks to two and a half months. This two-week to two-and-a-half month period is because of a number of factors, one of which is that the first trip out in halibut fishing, which is in April, takes the halibut fishermen almost



over to Vladivostok, because the season in the Bering sea opens one month earlier than it does closer to the west coast or to the Canadian and Alaskan shore. This means, of course, that they are away for some period of time.

Another factor which contributes to these variations in the time away is whether they sell their catch in Alaskan or Canadian ports; weather and the price they receive at the Alaskan and Canadian ports have a bearing on this. If the weather is such that it is not considered wise to go into a Canadian port to sell, they will sell in an Alaskan port.

They also have—and this is provided by the various fishing organizations in the United States and in Canada—provision for what they call an eight-day lay-up period, that is, a period of eight days in which they do not fish. This is for conservation purposes; and if this occurs and the weather is such that it is not possible to get home in time from, say, up in the Bering sea, they just stay there and will be back fishing within a period of eight days.

The time of travel, for instance, out to the Bering sea from Prince Rupert is anywhere up to eight days, that is, from Prince Rupert in my constituency down to the halibut grounds in the Bering sea in the month of April. That, of course, means it will be some time even before they get to where the fishing starts.

There is an international halibut commission which establish the seasons for fishing halibut which could be anywhere from the first part of April until some time in September. It is based on a quota. The quota for one year perhaps might be 30 million pounds and once this catch is made, when they have caught 30 million pounds of halibut, the season ends. This is for conservation purposes and is established by this international halibut commission.

The salmon fishermen are in somewhat the same category in so far as being away from home is concerned, but there are about 10,000 people fishing in the salmon industry all up and down the coast. The season opens in different districts at different times, depending upon the conservation needs and the desire of the Department of Fisheries. This salmon season is somewhat similar to halibut; it is anywhere from, say, May to September. They have lay-ups also, or non-fishing periods, usually over a week-end. It may be two days, three days, four or five days, depending upon the catch and the runs, and what escape the Fisheries people want in order to allow salmon to get up river to spawn.

These people too are away from home a great deal. For instance, you will have a fisherman from Vancouver who will go up to Prince Rupert and fish in the area there, in Hecate straits and around the Queen Charlotte islands. The season opens there first and they usually follow the run of the salmon. They may take a different course to reach the different rivers, and the fishermen will follow the run of the salmon, catching as they go. Their period of time away from home varies too. If they are fishing close to Prince Rupert when the season opens there, it is relatively easy to get home for the lay-up week-end. When the fishing is further south around Johnstone strait, which is some 200 or 300 miles from Prince Rupert, the Prince Rupert fishermen will be down there and they will spend their lay-up period in some community close to where the fishing is. They will not get back home. The same is true for fishermen from any other part of the coast; they follow the run of the salmon.

In the herring industry, there are approximately 1,200 fishermen who fish herring until the herring season is closed. They are out fishing or processing herring, and the season is different also and runs over the winter rather than through the summer months. These people would not be involved too much in a federal election, unless it was held, say, between September and March, in that general period. They would not be affected so much as the salmon and halibut fishermen.

Another factor on the coast is not confined to fishermen and how they will be away and miss their boats if the election is held, but it has to do with the question of the steamship services, the people working on steamships, both freight and passenger which run out of Vancouver, for example, to Prince Rupert, the Queen Charlotte islands and in some cases in the summer to Alaskan ports on summer cruises. In these summer cruises to Alaska, it is a good ten or twelve-day period for a trip to the northern points on the coast. To Prince Rupert it is a week's trip from Vancouver until they get back again. It depends on when they both leave and when they get back, but it is normally a week. Then, there are tow boats, tug boats that tow log rafts and things of that nature from the logging camps to pulp mills or saw mills or booming grounds. They are also away from home for considerable periods of time travelling from their homes which usually are in Vancouver or that area up the coast to pick up rafts and booms and tow them back again.

In all there would be fishermen, tow boat men and steamship people. I have not dealt with the other transportation people, such as railway employees and so on. In all there could be somewhere in the neighbourhood of 12,000, 13,000 or 14,000 people involved who might conceivably not have an opportunity to vote.

I think if we were to consider following the system that exists in the province of Ontario—and I understand there are sufficient safeguards there to ensure that a person does not vote twice, that is, once by his proxy and once by himself on election day if he does happen to get back into port again that day—it would go a long way towards ensuring that people would have the greatest opportunity to cast their ballot on election day, without an absentee ballot system being in effect. If there were an absentee ballot system, this would not be so much of a problem. Without it, I think the committee would be well advised to consider these things in a good light; and perhaps later on after some discussion and deciding in the affirmative, ask Mr. Castonguay—perhaps he has done this already—to draft some provisions around the proxy voting system, I believe, perhaps, based upon the provisions in the Ontario provincial act, as it relates to mariners and to expand the class of people who can vote by that method.

Perhaps Mr. Pickersgill or—I do not know if there are any other members here from the east coast—might have similar thoughts or ideas about the fishing and transportation industries as they affect those employees in so far as whether a proxy vote would be helpful or beneficial to them.

Mr. MANDZIUK: Mr. Chairman, I think we should all appreciate the work Mr. Howard has done on this particular problem, but I would hesitate to support the idea, probably because we have proxy marriages, baptisms by proxy, and so on. I am not altogether in favour of them, but that is beside the point. We are anxious to give every Canadian an opportunity to exercise his franchise.

I realize that in particular the fishermen are often obliged to be away from their constituency or from their polling district in order to catch a run of fish; yet I think it would result in a lot of abuses, because others besides the fishermen would claim the same privilege. They would feel free to go on a holiday if there was proxy voting. I think it is a dangerous scheme to be tried. I know we had it during the last war. I think it was only prisoners of war who had the privilege of voting by proxy; is that right?

Mr. CASTONGUAY: In the Korean war.

Mr. MANDZIUK: Furthermore, I think it would just complicate all the more the work of the election officials. It would be hard to keep tab on all this. I do not know whether you could draft an amendment in such a way that it would only apply to fishermen. You would have to make it wide enough to take in all Canadians. We would have a lot of proxy voting and, as Mr. Howard has



mentioned, we would have some who voted by proxy and then due to changing circumstances were back in the constituency, probably forgot about it, and there would be a double vote. I do not think many people would try to do it intentionally, but some would.

I think Canadians have sufficient interest in all federal elections that they could synchronize their trips to the fishing grounds in such a way—we have advance polls now. Are the fishermen deprived of voting at the advance polls?

Mr. CASTONGUAY: No, not under present conditions.

Mr. MANDZIUK: Then I think that solves the problem. Fishermen who are away for six months would never have a chance to use their proxy privileges in any event. An election might be called and be over before they got back. I think it would be an unnecessary cluttering up of our election machinery, Mr. Chairman. I do not know how the other members feel. I appreciate Mr. Howard's interest. I am interested, too, in giving everybody a chance to vote, but we have an advance poll and every Canadian who feels he owes a duty to the state and wants to exercise his franchise will certainly take advantage of every chance he has, and I think the opportunities are there.

I would therefore, if there were a motion, be inclined to oppose it, Mr. Chairman.

Mr. PICKERSGILL: I would like to say I have been very much impressed by what Mr. Howard said about the number of people who could obviously be absent during the whole period of an election campaign. I think it is a very serious problem. I do not think—I speak subject to correction, and there are other members here who perhaps know more than I do about this—but I do not think this would be so much of a problem for the fishermen on the east coast, because with the advance poll arrangement and the voyages being much shorter there, generally speaking, only out to the banks and so on. But where it would be most important, in my opinion, to all the Atlantic provinces and possibly Quebec too, especially at summer and autumn elections, there are a very large number of people who go off in the spring to work on the lake boats from Newfoundland, for example, and who are absent all summer and who have to make their living that way. They cannot vote at advance polls; they cannot go back to Newfoundland to vote; it is quite ridiculous to suggest that. With the development in Labrador there are a very large number of workers who go from the island of Newfoundland, from Quebec and from the maritime provinces to earn their living for the whole summer.

I do not think they could do it indiscriminately. If it were done it would have to be limited very rigidly to certain defined occupations that involved a necessary absence for economic reasons for the purpose of earning a living and for no other reason, over quite a long period. I must say I was not much impressed when Mr. Howard first approached the matter, but having listened to him I do think he has made quite a case.

The CHAIRMAN: I call upon Mr. Henderson.

Mr. HENDERSON: What I want to know is if Mr. Castonguay knows what they do in Australia, where they have compulsory voting?

Mr. CASTONGUAY: In Australia they have all types of facilities for voting, such as absentee voting and all the various other forms of absentee voting. That is how they handle the compulsory features of voting.

Mr. HENDERSON: That was my problem.

Mr. CASTONGUAY: But they also have compulsory registration. There is a permanent list, compulsory voting and absentee voting.

Mr. MANDZIUK: Does the absentee voting apply to any particular class or profession?

Mr. CASTONGUAY: Anyone.



Mr. MONTGOMERY: Mr. Chairman, is Mr. Castonguay in a position to tell us how this works in Ontario? Is it confined to specified occupations?

Mr. CASTONGUAY: I have discussed this with Mr. Lewis, the chief electoral officer of Ontario, and he told me they have no statistics as to the use that mariners make of this proxy voting method. But he told me he was of the opinion that it is very little used.

Mr. MONTGOMERY: Very little used?

Mr. CASTONGUAY: Very little used. He did not have any figures to substantiate this opinion, but from what he had heard from the returning officers, very little use is made of it.

Mr. MONTGOMERY: The other point, Mr. Chairman, that strikes me about this is, I was wondering how it is controlled; because it seems to me it could be used in a vicious manner if an elector may make anybody his proxy. I can see where one man might be made the proxy for 200 or 300 people, and it would be the equivalent of stuffing the ballot boxes.

Mr. CASTONGUAY: The Ontario law forbids one person from being a proxy for more than one elector.

Mr. HODGSON: Has British Columbia or the maritime provinces got this?

Mr. CASTONGUAY: British Columbia has absentee voting. The maritime provinces have merely advance polls; but British Columbia has no proxy voting, only absentee voting. In Ontario you can only apply for a proxy after the issue of writs ordering an election. So a fisherman or mariner cannot apply, say, this year and elect somebody as proxy for an election that may be held in the next two years.

Mr. HODGSON: Whom does he apply to?

Mr. CASTONGUAY: He applies to the revising officer and elects a proxy.

Mr. HODGSON: And he names the proxy at that time?

Mr. CASTONGUAY: It is limited to a wife—

89. (2) A mariner may appoint in writing (form 24) a proxy who shall be the wife, husband, parent, brother, sister or child of the mariner, of the full age of twenty-one years and an elector entitled to vote in the electoral district in which the mariner is qualified to vote.

Mr. HOWARD: Probably Mr. Castonguay has answered the question which Mr. Montgomery posed about the mechanics of it. From my reading of this section 89 in the Ontario Act, which incidentally is in the committee's proceedings—it was read in one day when unfortunately I was absent—

Mr. MONTGOMERY: Which page?

Mr. HOWARD: Page 138. From my reading of it I think there are sufficient safeguards there to prevent the occurrence of a person voting by proxy and then voting for himself, just the same as our advance poll system. A person gets an advance poll certificate. It is registered and checked, and he cannot then vote on election day because his name is checked there. The arrangement, as I gather from reading this, is that a person appoints—and there is a form for this, form 24, I do not know how it reads, but there is a form for it in Ontario—a wife, husband, parent, brother, sister or child to vote for him, and then he himself is not allowed to vote on election day at that particular poll if he has already appointed by proxy someone else to do so. Perhaps Mr. Castonguay could indicate from his discussion with the chief electoral officer in Ontario, and from his knowledge of section 89 and other electoral provisions, whether the safeguards here are sufficient to prevent any wholesale ballot box stuffing or people voting twice.

Mr. CASTONGUAY: I would say they are sufficient, but you mentioned that some of these people are away six months. I think you could not permit the issue of a proxy—

Mr. HOWARD: I did not say six months. Mr. Pickersgill said six months.

Mr. CASTONGUAY: But there is a long period of two or three months.

Mr. HOWARD: Yes.

Mr. CASTONGUAY: I do not think a person could be allowed to choose a proxy until after the writs are issued.

Mr. HOWARD: No, that is what that was based on, the provisions of the Ontario act.

Mr. CASTONGUAY: So if no appointment of a proxy could be made until after the issue of the writ, then these safeguards are adequate.

Mr. MONTGOMERY: Mr. Chairman, I was going to add that he really cannot apply under this Ontario act until a voters' list is completed and his name is on it.

Mr. CASTONGUAY: Yes, after the issue of the writ. Then I think the revising officer from the list, checks to see whether the person who is acting as a proxy is an elector, and whether the mariner is an elector. Having made those two checks he gives a proxy certificate to the person so appointed.

Mr. PICKERSGILL: Presuming the elector who has the proxy would have to be on the same poll?

Mr. CASTONGUAY: Not necessarily, as long as he is an elector of the electoral district.

Mr. PICKERSGILL: I would think it would be very desirable that he should be from the same poll, then that would be an automatic safeguard against a duplicate vote.

Mr. HOWARD: Yes, I would prefer, I think, if we are to proceed with it, to have the person who is appointed to vote by proxy to be an elector in the polling division of the individual. Normally this would be the case. This would apply in the case of a husband and wife, for argument's sake, assuming they both lived in the same house, which is normally the case, although in some cases not.

Mr. PICKERSGILL: You are not apt to appoint a proxy if you do not.

Mr. HOWARD: But the Ontario act also relates to brother, sister and child, and conceivably this would mean living in another poll in the same electoral district; but I should not object to saying in the same poll.

Mr. PICKERSGILL: I think it would be desirable to be in the same poll, as I think there may be the possibility of abuses otherwise.

Mr. MCGEE: Mr. Chairman, the thing that disturbs me—I am impressed by the difficulties faced by the fishermen, but when we come right down to it, the difficulties are not substantially different than a great many individuals in a constituency such as mine. For instance, there are persons on those fishing boats possibly one thousand miles away, where it is necessary for them to earn their livelihood. But if you take the position of a salesman or a buyer, or somebody whose instructions are that he go to such and such a place and the very going will deprive him of his vote, basically he is in exactly the same position as a fisherman. Sure he does not have to go fishing. Of course, the salesman, buyer or other person does not have to obey the directive of his superiors, but if he does not he will find himself without a job, in the same way that the fisherman would find himself without fishing. While I can appreciate the potency of this problem in that it affects a great number of fishermen, I

would like to remind the committee that a great many people in ordinary occupations across the country have just as good a basic case for some kind of proxy voting as the fishermen.

In other words, what I am suggesting, I suppose, is that the physical aspects of the fishermen and other specific occupations are very impressive. But I would not like the committee to lose sight of what happened, for instances, to me on one occasion. I was in a business situation and ordered to go to Winnipeg or Montreal—I forget which—and stay there until a certain job was finished. This took me away over election day and I could no more have refused that trip than a fisherman could, unless I wanted to stop work.

There are large firms in the Toronto area whose managers and supervisors and so on have a desire to have their employees vote, but certain things have to be done. As I say, there would probably be far more people in this category than there would be in fishing.

Mr. KUCHEREPA: I would like to support the position which Mr. McGee has taken. I would add to the group he has specifically mentioned, people who are for health reasons unable to vote on election day. That could include people who are inactive, under treatment in hospitals; it could also include people of another category, such as our old age pensioners who might be away in another part of the country because of health at a certain time of year. This brings to mind the fact that we have up to the present time at least restricted our voting on advance polls to certain specific classes. That has turned out to be rather discriminatory. I would think that if the principle of a proxy vote is adopted, it should be extended to people who, for various reasons, such as the ones Mr. Howard, Mr. McGee and myself have brought up, are absolutely through no fault of their own—something that is completely beyond their control—unable to be present either at an advance poll or on election day.

Mr. MCGEE: I may say this committee has gone through this process that Mr. Kucherepa outlined. We started out with certain categories on the advance poll and we found it impossible, at least I did, to see any advantage in it. There were many people who complained they were being discriminated against, because they did not happen to be a railway man or a salesman or something.

Mr. HOWARD: You will recall that when we came to discuss absentee polls, I was a minority of one in favour of it. This, of course, is the ultimate we should look towards which would overcome all these problems and would never allow for any charges of discrimination and so on, but that is gone. It was my original thought. While I concentrated most of the discussion around the fishermen because of the great preponderance of them on the west coast and in my own constituency, I think in my closing remarks I said there were other people such as transportation people and so on who would fit within this. I think we should—and this is the initial thought I had—provide a proxy vote for the same class of people for which provision was made before to vote at advance polls, that is, fishermen, salesmen and transportation employees.

Mr. MCGEE: I do not think that can be determined by any type of employment. That is my whole point, Mr. Chairman. There are reasons in every business organization for enforced absences. To pick out one category and say they have a certain right which transcends the others, seems to me manifestly unfair.

Mr. MANDZIUK: Mr. Chairman, there are some very valid arguments for this privilege, but still it does not convince me. I do not think the people are so busy that they cannot take a day or a couple of hours to vote at an advance poll or on polling day. But my object in coming in on this is to ask Mr. Castonguay; how is this proxy done? Supposing I vote by proxy—does the party I give this right to vote as I want him to vote?

Mr. CASTONGUAY: I cannot answer that one.



Mr. MANDZIUK: Is there still the secrecy of the ballot maintained?

Mr. CASTONGUAY: By "party" you mean the proxy who votes in your name?

Mr. MANDZIUK: But how—as he wants to?

Mr. CASTONGUAY: He votes through the ballot. I cannot tell you how.

Mr. MANDZIUK: But, sir, there are people who change their minds as to what party or candidate they are going to support, on the very last day. A party voting for someone else may not be carrying out the wishes or political beliefs of the other. That violates, I think, the main principle of the secrecy of the ballot. I may instruct my party to vote so and so and he may change his mind, and there is violation right there.

Mr. MONTGOMERY: And you will not know whether you supported the right party or not?

Mr. MANDZIUK: No, I will not know whether I supported the right party or not. If I understand correctly, you still have thousands of Canadians who will say they have been too busy, they will go on a holiday, go on a fishing trip, they will have valid reasons as to why they are away for two or three weeks. A business executive may think he is too busy and give his proxy to his wife, and she will vote as she pleases. I do not think this is what the Canada Elections Act envisaged when it gave the franchise to Canadian people. They are supposed to go into the polling booth and cast their votes according to their consciences. I do not go along with the proxy at all. Certainly it could deprive a few of the vote. But how many people have votes and do not exercise them? There are between 30 and 35 per cent of the Canadian people who never go to the polls, is not that right?

Mr. CASTONGUAY: On the federal scene, I think the percentage has been anywhere from 75 to 79 per cent.

Mr. MANDZIUK: Voting?

Mr. CASTONGUAY: Yes.

Mr. MANDZIUK: Then, there is another 25 per cent or 30 per cent who do not? I think we are getting ourselves into a lot of unnecessary grief if we ever accept this suggestion.

Mr. PICKERSGILL: Mr. Chairman, I feel quite strongly that it would be a desirable thing to do. I should like to make one or two observations, particularly about the points made by Mr. McGee and Dr. Kucherepa. It does seem to me that the vast increase we have made in advance polling, of which I thoroughly approve, does take care of the problem of the vast majority of electors. Most of us, if we cannot be present on polling day, can be present a week earlier. The nature of our occupations, our methods of earning our living are such that in most occupations the number of people who cannot meet one or other of these two qualifications is relatively small. There are three or four occupations, the fishermen on the west coast and people who have to go to another province to earn their living for the whole of the summer, as is happening to a very large number of the people in the province that I represent, who are not going to be met by the advance poll arrangement at all. The effect of permitting proxy voting to a few categories of this kind where you know that all the people involved are going to be disfranchised, is quite different from this and that and other spotty cases in the case of some other occupations. That happens to all of us; and it seems to me, sir, that Mr. Howard has made a real case for perhaps precisely those categories or something close to them that historically for a long period have been accorded the advance poll.

In order to get a determination of the matter, I should like to make a motion.

Mr. HOWARD: I have it all written out for you.

Mr. PICKERSGILL: All right, that is fine.

I would move that we endorse the principle of proxy voting based on section 89 of the Ontario Election Act, and such voting to be provided for fishermen, salesmen and transportation employees.

As a matter of fact, I would like to make one other category and that is "persons who have accepted seasonal work in another province".

Mr. HOWARD: I will second that.

Mr. MONTGOMERY: I have a question I would like to ask and that is, if a worker goes out of his constituency, whether it be to another province or anywhere else, he has the right to vote there, has he not?

Mr. CASTONGUAY: Under subsection (10) of section 16 he is assumed to be a temporary worker. If someone moves from one province to another and subsequent to his moving a writ is issued, then he is entitled to vote where he is employed, but if he happens to move in after the writ is issued, then he cannot vote in that province. It takes care of anyone who moves to another province, or even within the same province, to work. He has the privilege before the writ is issued.

Mr. MONTGOMERY: If he moves in afterwards, he is out of luck.

Mr. PICKERSGILL: I think I would like to amend it "and seasonal workers who otherwise would be deprived of the exercise of their franchise" instead of "working in another province". That would cover the case of the people who were moved between that period.

Mr. MONTGOMERY: I would like to speak to the motion, Mr. Chairman.

The CHAIRMAN: Perhaps I should read the motion. The motion is that we endorse the principle of proxy voting based on section 89 of the Ontario Election Act, that such voting be provided for fishermen, salesmen, transportation employees and seasonal workers who otherwise would be deprived of the exercise of their franchise.

All right, Mr. Montgomery.

Mr. PICKERSGILL: I think it should be "deprived by law of the exercise of their franchise".

The CHAIRMAN: Yes.

Mr. MONTGOMERY: Mr. Chairman, I was not here apparently when this was discussed before. I do not feel quite qualified to vote on this. I think we are endorsing something which, as Mr. McGee says, is changing a principle. I would like to see this allowed to stand so we could give some thought to it. I think if I had to vote this morning I would vote against it, but that does not mean that I might not after considering it and thinking about it. I feel there are a lot of things in connection with this motion which will come to light, and it will clutter up things and make a lot of misunderstanding. The secrecy of the ballot which we have always maintained, is to my mind is a very strong argument against this at the moment.

I would very much like to see us discuss this and not present the motion this morning, but give us some time to think about it. Maybe some of the other members of the committee are prepared to vote but, Mr. Chairman, under the circumstances, I would have to vote "no". If I waited, I might support the motion after considering all the ramifications involved.

Then, there is the other question of the people not included there, the people who have to go into hospital and are in hospital, as Mr. Kucherapa said. If we do adopt the principle, maybe it should be made broader than that again.

Mr. BELL (Carleton): In fact, the only formal request the committee has ever had for this covers bed-ridden persons.

The CHAIRMAN: Mr. McGee?

Mr. PICKERSGILL: I think there is a great deal of merit in Mr. Montgomery's suggestion and I would be very happy indeed to have the consideration and certainly the vote deferred, if the members of the committee feel that that is desirable. I quite agree with him, that having the suggestion before us we ought at least to have a day or two to think it over, because there is quite a lot involved in it, I must say.

Mr. MONTGOMERY: Mr. Castonguay might be able, if he felt it was a good thing, the next time to really have a resolution which with his experience would be broader or narrower, or something.

Mr. CASTONGUAY: Mr. Chairman, I have no experience with proxy voting. I do not think I can be of any more assistance than I have been on proxy voting.

Mr. McGEE: Mr. Chairman, apropos what Mr. Montgomery has been saying, as I recall the discussion we had—and Mr. Howard was not present at the earlier meetings—I have a strong feeling that the testimony concerning Mr. Lewis and your comments—

Mr. CASTONGUAY: I read a letter of the chief electoral officer of Ontario and evidence given by Colonel Brooks before the committee.

Mr. McGEE: Well, in Mr. Lewis' evidence as I recall it, not having reviewed it this morning, he did not say there were not statistics available. Is there a possibility or any way in which perhaps Mr. Lewis could be requested to make a special inquiry into this? Is the basic material still available to draw these conclusions from?

Mr. CASTONGUAY: The basic material with which to compile statistics is not available. It is only kept for six months or a year after an election, so he could not possibly compile statistics. At least I cannot speak for him. If he has not the material, he cannot compile the statistics.

Mr. McGEE: What was the date of the last provincial election?

Mr. CASTONGUAY: June 11, 1959.

Mr. McGEE: Apart from that, I come back to the question, whereas fishermen and other categories are very easy to define, and transportation workers, in general terms, not only are there people in transportation work who by virtue of their activities are not really entitled to this privilege but there are thousands of people in urban centres who have just as good a reason to have these privileges made available to them as a fisherman or explorer or anyone you care to mention.

I just want to underline again that I think it would be manifestly unfair to anyone who is in the same position.

During the last election, I received hundreds of phone calls and very bitter complaints about the fact that, having no control whatsoever over their movements and absence or presence at either advance poll or polling day, they were not permitted to vote. To simply take categories because they are easy to define and include them into the act, I think is manifestly unfair to the individuals I described.

Mr. HOWARD: Is that agreeable to stand?

Mr. BELL (Carleton): I had hoped we could proceed and dispose of it this morning. Actually, Mr. Chairman, it has stood since April 28, and we have had a very thorough discussion, as thorough a discussion as we could have on the matter. The fear I have in relation to it is that we are really opening up new discriminations in the act. I think Mr. McGee has put that very vividly. My own reaction is that we ought not to let our very natural sympathies towards mariners and fishermen open up those new discriminations. I am sure if we do they will rise up to plague us.



Certainly if we were going to do this at all, I think we would have to do it on a much broader basis than is suggested. If we do it, then I fear what will happen when the ingenuity of some of our friends in some electoral districts in this country get to work on it. I am not going to mention any particular electoral district, but Mr. Castonguay knows what the ingenuity of some people in some of the areas of Canada or the seaport areas would be, when they would get this type of machinery.

Personally, my feeling is one of natural sympathy for the mariners and for the fishermen, but I hope we would not get into a position where we were discriminating against a number, and a very large number, of other people who by reason of their occupations must necessarily be absent on election day.

Mr. CARON: Mr. Chairman, I do not believe, especially after the argument of Mr. Bell, that we are really ready. Every time we discuss the matter, something new comes up and I think it could be stood for, say, a week. Everybody would have time to look at it perfectly because my opinion is this: whenever we study any electoral law it is with the purpose of giving any bona fide elector the right to vote one way or the other. If we can stand it so we can study it more thoroughly, I think we would have a chance to have something which would satisfy most of the members of the committee.

Mr. PICKERSGILL: Well, I would like to join Mr. Caron in this appeal and for this reason, that I cannot think that it is discrimination against B to make it easier for A to vote. That is not my idea of discrimination at all. What we are trying to do is to reduce within the bounds of feasibility the number of people who, for one reason or another, will not cast their ballots. The fact that there are some recognizable categories of persons who are clearly going to be disfranchised as a whole category and that there may be other individuals in other occupations who will also in the course of events be disfranchised, does not seem to me to constitute an argument at all. Because all you are saying there is because B is not going to be able to vote, we will make sure that A does not vote; that is not an argument, I am afraid, that commends itself to me at all.

I have a good deal of sympathy with Dr. Kucherepa's suggestion if some practical means could be found of providing for bed-ridden persons for which there is quite a lot to be said. That is another reason why I agree with the suggestion of Mr. Caron and Mr. Montgomery, that we should stand the matter over and not take a vote.

Mr. MCGEE: Except that the determining factor is the control an individual has over his actions. This is my point, that the person in hospital cannot control his actions at all; he cannot move out of his bed. The fisherman when in a boat cannot control his actions there. The commercial or business person who is told to go out of town for a certain period, if he says no he gets fired. I do not think anyone in this committee expects him to, and I would not expect him to any more than I expect a fisherman to stay home in the spring of the year when there is fishing.

The CHAIRMAN: Well, we have a motion before us. It has been suggested by three members of the committee that action on this motion be deferred until a subsequent meeting.

Mr. HOWARD: Perhaps we can take a census of the committee on allowing it to stand, without making any formal motion that it be done.

Mr. KUCHEREPA: As far as I am concerned I agree with what Mr. McGee has said. The motion as it is now in the books appears to be discriminatory. It takes up certain categories and only extends the privilege to them. As far as the principle of proxy voting is concerned, there is a line of argument, and

I suppose there has been a lot of discussion in the past, that there may be great difficulty in working this. I do not doubt that in Mr. Castonguay's mind the machinery is working now on the problems he may encounter on this ballot; but in so far as the motion which is now before the committee is concerned, it does discriminate against certain categories. Until we can come up with something which is not discriminatory and which can work, in principle, I do not think we should support it.

The CHAIRMAN: Well, I think the time has come to ascertain how we will dispose of this particular motion. Is it the wish that it be dealt with now or that it be dealt with at a subsequent meeting?

How many would prefer to deal with it at the present time, if I may get your informal opinion? Who would deal with it now? At a later meeting?

It would appear that it is the wish of the majority to deal with this at this meeting.

I think it only fair before the vote to give anyone an opportunity to speak further on any point which has been raised.

Mr. MONTGOMERY: Mr. Chairman, I have been trying to read up on these items now on page 140 and so on. This has been up before, and various people have expressed their opinions on it. There is one who is now a senator, a very good friend of mine who has expressed his opinion and I have a great deal of respect for him. The more I see of it and the more I read about it, I think the more discriminatory it is. I do not think I can support such a motion.

Mr. MANDZIUK: I just have a question for consideration by the committee. Supposing the party giving the proxy or authority to his wife, daughter or son, as the case may be to vote dies, you have another problem. Will proxy votes still come in?

Mr. CARON: Can you make a perfect clock by an imperfect person?

The CHAIRMAN: Have the mover or seconder any comments?

Mr. HOWARD: Mr. McGee and I were having a private discussion. Neither one of us convinced the other.

Mr. MONTGOMERY: I think I should mention the senator's name to whom I referred. It was Senator Pouliot.

The CHAIRMAN: Now, are we ready for the question?

All in favour of the motion that we endorse the principle of proxy voting based on section 89 of the Ontario Election Act, that such voting be provided for fishermen, salesmen, transportation employees and seasonal workers who otherwise would be deprived by law of the exercise of their franchise. All in favour?

Opposed?

The motion therefore is lost.

Now, I can say what was going through my mind when we were discussing it as to how any man would know that his wife would do what he told her to during the election.

Mr. MANDZIUK: I know wives who vote the opposite to their husbands.

Mr. PICKERSGILL: Yes, but you would not be compelled to give your wife a proxy unless you trusted her.

The CHAIRMAN: Now, there is another matter on which Mr. Howard will be the spokesman and that is the question of voting age. We have now only ten minutes left in the meeting. I think it would be wise to leave it until the next meeting.

I wonder if we could deal in the time left by having a look at section 37 and those following? Section 37 on page 204, who may vote and where, and closed lists in urban polls.

37. (1) Subject to his taking any oath or affidavit authorized by this act to be required of him, every person whose name appears on an official list of electors shall be allowed to vote at the polling station on the list of electors for which his name appears; in an urban polling division, he shall not be allowed to vote if his name does not appear on such list, unless he has obtained a transfer certificate, pursuant to section 43, and fully complies with the provisions of subsection (5) of the said section, or unless he has obtained from the returning officer a certificate in form No. 20 issued pursuant to subsection (11) of section 17, or a certificate in form No. 21 issued pursuant to subsection (12) of the said section, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote; in a rural polling division, any qualified elector may vote, subject to the provisions of section 46, notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides.

That is section 37, Mr. Montgomery, on page 204.

Mr. CARON: That never brought any trouble, Mr. Castonguay?

Mr. CASTONGUAY: No more than normal.

The CHAIRMAN: Any other member wish to comment or question on this? Nothing further on that? Are we agreed?

Mr. MANDZIUK: Mr. Chairman, a question. I know I have seen that in some cases where—I think Mr. Castonguay can answer this. What happens if a voter is challenged as to being a Canadian citizen or not? I know one in my constituency who voted for 20 or 30 years, who had his citizenship, went back to the states, acquired citizenship there and came back.

Mr. CASTONGUAY: The only procedure in the poll is that the elector, if he is required by a scrutineer or returning officer to take an oath of qualification, he must take that oath. If he refuses to take the oath, he cannot come back in again and vote on second thought.

The CHAIRMAN: Anything further, gentlemen?

Agreed.

#### Section 38:

38.(1) Any person who induces or procures any other person to vote at an election, knowing that such other person is for any reason disqualified from voting or incompetent to vote at such election, is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

(2) Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified from voting, or incompetent to vote, that the accused did not know thereof, is upon the accused.

Mr. CARON: On section 38, Mr. Chairman, I see in subsection (2) that the burden of proof is on the accused. Is not that a little contrary to our way of looking at the law in Canada?

Mr. BELL (Carleton): Criminal law only.



Mr. CARON: But this is considered a criminal offence to try and vote where they have not the right to vote, and the burden of proof falls on the accused. I think it does not seem fair with all the other offences, even murder, where the burden of proof goes on the crown.

The CHAIRMAN: Have you any comment, Mr. Castonguay?

Mr. CASTONGUAY: None whatsoever.

Mr. MONTGOMERY: Does this not refer to the person under subsection (1)—maybe I am wrong—but the person who would be charged would be the person who procures another person to vote at the election, not that such person is for any reason disqualified from voting—is not that the person who is being referred to here in this peculiar set of circumstances? It does not refer to the man who votes, does it?

Mr. CASTONGUAY: Subsection (2) says:

Upon the trial of any person accused of violating this section...

The person who votes or asks one to vote are both violating, because if you read on it says:

...when it is proved that the person in respect of whose vote the prosecution is had...

so they must prove it through the legal processes.

Mr. CARON: But the burden of proof even there lies on the accused. That is what I do not like. The rest is all right, but the burden of proof put on the accused seems to me a little far-fetched. If they would use the very same thing as we have in courts of law for any other offences, it is up to the crown to prove it.

Mr. BELL (*Carleton*): In principle, I am certainly inclined to agree with Mr. Caron. On the other hand, there must have been very substantial reasons which commended themselves to previous committees to have departed as this section does from normal practice. I wonder if we should not, before we deal with it, cause inquiry to be made as to what the reason is and ask perhaps the Department of Justice. It may be that it is a case where the facts are so completely within the knowledge of the accused that it would be practically impossible to prove. I am sure there must have been reasons of some substance.

Mr. CARON: We can stand this and have the Department of Justice give an opinion on that.

Mr. PICKERSGILL: I think it is more than the Department of Justice. The two gentlemen who have taken the most responsibility over the last 20 years for amendment to the Canada Elections Act are Senator Powers and Walter Harris, both of whom are alive. I think it might be useful to consult them informally, because neither of them is the kind of person who would normally want to have this kind of thing in the law.

Mr. CASTONGUAY: We have had no experience with this section. There have been no charges laid under this section to my knowledge, but I might point out to the committee that the Department of Justice have no historical record of any sections here. They have only assisted the committee and my office in the drafting of sections approved by the Committee. I believe this section has been here as long as I can recall. I do recall that in 1930 there was another particular section where the burden of proof was on the accused, that is, in the question of removing a name from a list, the burden of proof was on the person whose name was objected to, to substantiate that he was a qualified elector. That was changed, but this section has never been reviewed in the committee, and the committee has never given this particular section a thorough study as long as I can recall.

The CHAIRMAN: Shall we stand this and take it up at another date?

Mr. McGEE: Another point: this onus of proof exists in other legislation, namely, the customs and national revenue, where a man is challenged on a customs or income tax matter where the burden of proof is on him to prove his innocence.

Mr. BELL (*Carleton*): I think in principle all the bar would wish to discourage any such legislation, unless there are the most vital reasons for it.

The CHAIRMAN: Section 39?

Mr. MONTGOMERY: Did you stand section 38, Mr. Chairman?

The CHAIRMAN: Yes, section 38 will stand.

Section 39? Anything on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Are we agreed?

Agreed.

Section 40?

Mr. CARON: Section 40, subsection (1)—“improper varying of oath”. This is when the officials are asking a person to swear to something which he is not required to swear to. How can they act upon that when, in subsection (2) they say: “no elector who has refused to take any oath or affirmation or to answer any question, as by this act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling place.”

How can we deal with that? One is contrary to the other.

Mr. CASTONGUAY: As you know, we supply oath cards on which the various oaths are printed and we have forms of affidavit on qualification. The person, a deputy returning officer or anyone else who asks an elector to take an oath, can only request that the statutory oaths be administered to the elector.

Mr. CARON: But if the deputy returning officer insists on his point of view to ask anything he wishes to ask, what does the elector do in that case? The deputy returning officer insists on things he has not the right to do; what does he do?

Mr. CASTONGUAY: He can only make an appeal to the returning officer. That is all he can do. The same with any elector being refused to be permitted to vote. He makes his appeal to the returning officer and the returning officer takes it up with the deputy returning officer, and tries to adjust it. You must remember the deputy returning officer sometimes is not the most qualified person in the world.

Mr. CARON: He goes out of the poll to go to the returning officer to put in a complaint. Then he would have the right to come back to the poll and vote, if the returning officer said so?

Mr. CASTONGUAY: They would come back, he and the returning officer, the election clerk or the returning officer.

Mr. CARON: But the name will be struck out of the list when he refuses to take the oath?

Mr. CASTONGUAY: Not if he comes back with the returning officer and he has a legitimate case.

Mr. CARON: But when the orders are given that he should strike out the name and mark “refused to be sworn”, when he comes with the returning officer, what do they do, do they establish the vote?

Mr. CASTONGUAY: If the elector is right and qualified to vote, his name is just added on.

Mr. PICKERSGILL: But subsection (2) seems to contradict that. It says: "No elector who has refused to take any oath or affirmation"—regardless of whether it is a legal one or not "shall receive a ballot paper or be admitted to vote".

Mr. MONTGOMERY: Is there anywhere in the act which spells out that anyone who has been refused, under any circumstances, goes out, and then the returning officer finds the man did have a right to vote and the man would not be allowed to vote? I know it would create an awful disturbance. The man may come back with the returning officer, and you may have a row start.

Mr. CASTONGUAY: I know these cases have occurred and I know in each instance it has been brought to my attention where the deputy returning officer, who is not a lawyer—he is not the most qualified person to read the law, and it has been established the elector has been qualified to vote. The elector has been permitted to vote and there has been no difficulty.

Mr. CARON: Should there not be an addition to that stating that the returning officer may decide on the matter and give him the right to vote? As it is written there, he has no right to vote, even if it is legal.

Mr. CASTONGUAY: If the committee wishes, we might put the appeal in the statute.

Mr. CARON: Could we stand that again so that Mr. Castonguay has a chance to look at it?

Mr. MONTGOMERY: I think your suggestion is good.

The CHAIRMAN: Well, this is as far as we can go today, so we will be dealing with section 40 at a subsequent meeting. I think the next meeting we look at the question of voting age and then go to section 40.





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

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THURSDAY, MAY 19, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

THURSDAY, May 19, 1960.

(14)

The Standing Committee on Privileges and Elections met at 9.35 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Barrington, Bell (*Carleton*), Caron, Hodgson, Howard, Kucherepa, Macquarrie, Mandziuk, Montgomery, Paul and Pickersgill—(12).

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee proceeded to its consideration of the provisions of the Canada Elections Act.

A letter from Dr. C. P. Wright, Ottawa, respecting the counting of votes was tabled.

### *On Section 31:*

By leave of the Committee, Subsection (5) was reviewed and the original subsection was amended to read as follows:

“(5) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until seven o'clock in the afternoon of the same day, and each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station.”

The Section as amended was adopted.

Consequential changes were made in Forms Nos. 4, 30 and 31.

Forms 35, 37 and 38 to the Act were again reviewed and the surname “CHOSE”, in the French sample, was changed to read “UNTEL”.

*Note*—The above-mentioned forms appear below, in English and in French, as amended by the Committee on Tuesday, May 17 and Thursday, May 19:

## STANDING COMMITTEE

FORM No. 35

FORM OF BALLOT PAPER. (Sec. 28.)

*Front*

DOE, WILLIAM R.,  
636 POWER ST., OTTAWA,  
BARRISTER.

DOE, FRANK ARTHUR,  
R.R. NO. 3, WESTBORO,  
FARMER.

DOE, JOSEPH,  
EASTVIEW,  
GENTLEMAN.

DOE, JOHN THOMAS,  
239 BANK ST., OTTAWA,  
MERCHANT.

FORM No. 35. (Concluded)

FORM OF BALLOT PAPER

Back

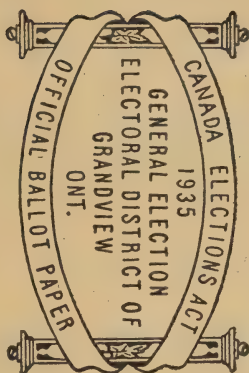
No. 325

(Line of perforations here.)

No. 325

(Line of perforations here.)

Space for initials of D.R.O.



POLLING DAY:

September 14th, 1935

Printed by JAMES BROWN,  
260 Slater Street, Ottawa, Ont.



## FORM No. 37.

## DIRECTIONS TO ELECTORS. (Sec. 36(1).)

Each elector may vote at only one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space on the ballot paper containing the name and particulars of the candidate for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the number on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another.

If an elector votes for more than one candidate, or makes any mark on the ballot paper by which he can afterwards be identified, his vote will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at an election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

*In the following specimen of ballot paper, given for illustration, the candidates are William R. Doe, Frank Arthur Doe, Joseph Doe, and John Thomas Doe, and the elector has marked his ballot paper in favour of John Thomas Doe.*

DOE, WILLIAM R.,  
636 POWER ST., OTTAWA,  
BARRISTER.

DOE, FRANK ARTHUR,  
R.R. NO. 3, WESTBORO,  
FARMER.

DOE, JOSEPH,  
EASTVIEW,  
GENTLEMAN.

DOE, JOHN THOMAS,  
239 BANK ST., OTTAWA,  
MERCHANT.

X

## FORM No. 38.

## DIRECTIONS TO ELECTORS. (Sec. 36 (1).)

APPLICABLE ONLY IN AN ELECTORAL DISTRICT IN WHICH TWO MEMBERS  
ARE TO BE RETURNED

Each elector may vote at only one polling station but he is entitled to vote for two candidates.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space on the ballot paper containing the name and particulars of each of the two candidates for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the number on the counterfoil can be seen and the counterfoil without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another.

If an elector votes for more than two candidates, or makes any mark on the ballot paper by which he can afterwards be identified, his ballot paper will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at an election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

*In the following specimen of ballot paper, given for illustration, the candidates are William R. Doe, Frank Arthur Doe, Joseph Doe, and John Thomas Doe, and the elector has marked his ballot paper in favour of Frank Arthur Doe and John Thomas Doe.*



DOE, WILLIAM R.,  
636 POWER ST., OTTAWA,  
BARRISTER.

DOE, FRANK ARTHUR,  
R.R. NO. 3, WESTBORO,  
FARMER.

X

DOE, JOSEPH,  
EASTVIEW,  
GENTLEMAN.

DOE, JOHN THOMAS,  
239 BANK ST., OTTAWA,  
MERCHANT.

X

## FORMULE N° 35.

## FORMULE DU BULLETIN DE VOTE. (Art. 28.)

*Recto.*

UNTEL, P.-M.  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

UNTEL, FRANÇOIS-ARTHUR,  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

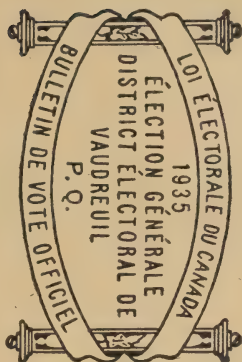
UNTEL, JOSEPH,  
POINTE-CLAIRE,  
BOURGEOIS.

UNTEL, JEAN-THOMAS,  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.

FORMULE N° 35.—Fin.

FORMULE DU BULLETIN DE VOTE.

Verso.



JOUR DU SCRUTIN:

14 septembre 1935.

Imprimé par Jules LANGUETS,  
300, rue St-Jean, Québec, P. Q.

N° 325

(Ligne de perforations)

N° 325

(Ligne de perforations)

Espace réservé aux initiales  
du sous-officier rapporteur.



## FORMULE N° 37.

## DIRECTIVES AUX ÉLECTEURS.

## (Art. 36 (1).)

Chaque électeur ne peut voter qu'à un seul bureau de votation et que pour un seul candidat.

Après avoir reçu du sous-officier rapporteur un bulletin de vote, l'électeur entrera dans un compartiment de votation et fera une croix, avec un crayon de mine noire qui y est déposé, dans l'espace sur le bulletin de vote qui contient le nom et les détails du candidat en faveur duquel cet électeur désire voter; ainsi qu'il suit: X.

L'électeur pliera ensuite son bulletin de vote de manière que les initiales du sous-officier rapporteur au verso et le numéro sur le talon puissent être vus et le talon enlevé sans déplier le bulletin de vote; puis il le remettra ainsi plié au sous-officier rapporteur, qui le déposera lui-même dans la boîte du scrutin sous les yeux de toutes les personnes présentes, y compris l'électeur, après en avoir détaché et détruit le talon. L'électeur sortira ensuite immédiatement du bureau de votation.

Si un électeur détériore par inadvertance un bulletin de vote, il peut le remettre au sous-officier rapporteur qui, s'étant assuré du fait, lui en donnera un autre.

Si un électeur vote pour plus d'un candidat ou fait sur le bulletin de vote quelque marque au moyen de laquelle il pourrait plus tard être reconnu, son vote ne sera pas compté.

Si un électeur emporte frauduleusement un bulletin de vote en dehors du bureau de votation, ou remet frauduleusement au sous-officier rapporteur, pour qu'il le dépose dans la boîte du scrutin, un autre papier que le bulletin de vote qui lui a été remis par le sous-officier rapporteur, il deviendra dès lors inhabile à voter à une élection durant les sept années qui suivront, et s'il s'agit d'un officier rapporteur, d'un secrétaire d'élection, d'un sous-officier rapporteur, d'un greffier du scrutin ou d'un autre officier occupé à la conduite de cette élection, il sera passible d'emprisonnement, sans l'alternative d'amende, pendant cinq ans au plus et un an au moins, avec ou sans travaux forcés, et s'il s'agit d'une autre personne, elle sera passible d'un emprisonnement d'au plus trois ans et d'au moins un an, avec ou sans travaux forcés.

*Dans le spécimen du bulletin de vote qui suit, donné à titre d'exemple, les candidats sont P.-M. Untel, François-Arthur Untel, Joseph Untel et Jean-Thomas Untel, et l'électeur a marqué son bulletin de vote en faveur de Jean-Thomas Untel.*

UNTEL, P.-M.  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

UNTEL, FRANÇOIS-ARTHUR,  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

UNTEL, JOSEPH,  
POINTE-CLAIRE,  
BOURGEOIS.

UNTEL, JEAN-THOMAS,  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.

X

## FORMULE N° 38.

## DIRECTIVES AUX ÉLECTEURS.

(Art. 36 (1).)

APPLICABLE SEULEMENT À UN DISTRICT ÉLECTORAL OÙ DEUX DÉPUTÉS  
DOIVENT ÊTRE ÉLUS.

Chaque électeur ne peut voter qu'à un seul bureau de votation, mais il a droit de voter pour deux candidats.

Après avoir reçu du sous-officier rapporteur un bulletin de vote, l'électeur entrera dans un compartiment de votation et fera une croix, avec un crayon de mine noire qui y est déposé, dans l'espace sur le bulletin de vote qui contient le nom et les détails de chacun des deux candidats en faveur desquels il désire voter, ainsi qu'il suit: X.

L'électeur pliera ensuite son bulletin de vote de manière que les initiales du sous-officier rapporteur au verso et le numéro sur le talon puissent être vus et le talon enlevé sans déplier le bulletin de vote; puis il le remettra ainsi plié au sous-officier rapporteur, qui le déposera lui-même dans la boîte du scrutin sous les yeux de toutes les personnes présentes, y compris l'électeur, après en avoir détaché et détruit le talon. L'électeur sortira ensuite immédiatement du bureau de votation.

Si un électeur détériore par inadvertance un bulletin de vote, il peut le remettre au sous-officier rapporteur qui, s'étant assuré du fait, lui en donnera un autre.

Si un électeur vote pour plus de deux candidats ou fait sur le bulletin de vote quelque marque au moyen de laquelle il pourrait plus tard être reconnu, son bulletin de vote ne sera pas compté.

Si un électeur emporte frauduleusement un bulletin de vote en dehors du bureau de votation, ou remet frauduleusement au sous-officier rapporteur, pour qu'il le dépose dans la boîte du scrutin, un autre papier que le bulletin de vote qui lui a été remis par le sous-officier rapporteur, il deviendra dès lors inhabile à voter à une élection durant les sept années qui suivront, et s'il s'agit d'un officier rapporteur, d'un secrétaire d'élection, d'un sous-officier rapporteur, d'un greffier du scrutin ou d'un autre officier occupé à la conduite de cette élection, il sera passible d'emprisonnement, sans l'alternative d'amende, pendant cinq ans au plus et un an au moins, avec ou sans travaux forcés, et s'il s'agit d'une autre personne, elle sera passible d'un emprisonnement d'au plus trois ans et d'au moins un an, avec ou sans travaux forcés.

*Dans le spécimen du bulletin de vote qui suit, donné à titre d'exemple, les candidats sont P.-M. Untel, François-Arthur Untel, Joseph Untel et Jean-Thomas Untel, et l'électeur a marqué son bulletin de vote en faveur de François-Arthur Untel et Jean-Thomas Untel.*



UNTEL, P.-M.  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

UNTEL, FRANÇOIS-ARTHUR,  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

X

UNTEL, JOSEPH,  
POINTE-CLAIRE,  
BOURGEOIS.

UNTEL, JEAN-THOMAS,  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.

X

*On Section 14:*

The Committee again considered the principle of lowering the voting age to eighteen years, as proposed in Mr. Howard's motion of May 3rd which reads as follows:

That Section 14 (1) (a) be amended to read "(a) is of the full age of eighteen years or will attain such age on or before polling day at such election."

The motion was negatived on the following division: YEAS: 2; NAYS: 8. Section 14 was adopted, as amended April 28.

Section 19 (c) was adopted.

Section 19 was adopted.

*On Section 40:*

The section was amended by adding the following subsection thereto:

(3) If an elector is asked to take an oath or affirmation not prescribed by this Act and he refuses, he may appeal to the returning officer, and if, after consultation with the deputy returning officer or the poll clerk of the appropriate polling station, the returning officer decides that such oath or affirmation was not in fact prescribed by this Act, he shall direct that such elector be again admitted to the poll and that he be allowed to vote, provided that the elector is otherwise qualified to vote.

The section as amended was adopted.

Sections 39, 41, 43, 44, 46, 47 and 48 were adopted.

Section 42 was allowed to stand.

*On Section 45:*

Subsections (1) to (13) were adopted.

Subsection (14) was allowed to stand.

At 11.00 a.m. the Committee adjourned until 9.30 a.m. Monday, May 23, 1960.

E. W. Innes,  
Clerk of the Committee.

## EVIDENCE

THURSDAY, May 19, 1960.

The CHAIRMAN: We now have a quorum, gentlemen; the meeting will come to order.

A letter has been received from Dr. C. P. Wright of Ottawa dealing with the counting of votes. I would like to table it now with the other letters that have come to the committee.

Before proceeding with the discussion on the *age of voting* there are some matters outstanding from the last meeting and with the leave of the committee I would like to revert to a couple of items which we discussed and decided upon in principle at our last meeting, but on which there are certain technical suggestions which I would like to have considered.

On subsection (5) of section 31 with respect to the opening and closing of polls; it has been suggested that the purpose of our desires would be attained by a more simple amendment than the one we discussed on the last day. We could simply alter what now stands in the act,—the expression “six o'clock” be altered to “seven o'clock.” If this is agreeable we can have the amendment made along those lines. Is that agreed?

Agreed.

The CHAIRMAN: That will involve a consequential change in three of the forms—form 4, form 30 and form 31, which now use the expression “eight to six” and will henceforth have the expression “eight to seven.” Agreed?

Agreed.

The CHAIRMAN: On section 36, subsection (1): the suggestion of Mr. Caron was accepted by our committee that the French form of the ballot, instead of using what we now have, should use “Chose”, it has been suggested to us, by people very expert in all languages, that the expression “Untel”, literally translated “this person”, would be a better form.

Mr. PICKERSGILL: C'est la même chose, but I think it is a good idea.

The CHAIRMAN: Is that agreed?

Agreed.

The CHAIRMAN: The chief electoral officer has prepared a memorandum or a compilation of statistics, I should say, on voting age as it applies in various parts of the world. With that I think we might distribute the suggested amendment to section 40. We may have time to take that up later on in the meeting. I think now we will move on to the question of voting age in which considerable interest has been shown by members of the committee. The table now filed gives the minimum voting ages in different places:

### MINIMUM VOTING AGE

#### 18 Years of Age

U.S.A.—States of Georgia and Kentucky  
Province of Saskatchewan  
Bulgaria  
Venezuela  
Mexico (married persons)  
Bolivia  
Costa Rica (married men and teachers)  
Union of South Africa



*19 Years of Age*

Province of Alberta  
 Province of British Columbia  
 State of Alaska

*20 Years of Age*

Costa Rica (other than married men and teachers)

*21 Years of Age*

Canada for Federal elections and for 7 Provincial elections  
 Great Britain and Northern Ireland  
 Australia  
 New Zealand  
 United States of America (except Georgia, Kentucky and Alaska)  
 France  
 Belgium  
 Portugal  
 Peru  
 Chile  
 Mexico (single persons)  
 Norway  
 Sweden  
 Finland

*22 Years of Age*

Turkey

*23 Years of Age*

Denmark

*25 Years of Age*

Netherlands

(The Statesman's Year Book (1959))

The CHAIRMAN: I will call upon Mr. Howard on this subject.

Mr. HOWARD: I would rather expect, Mr. Chairman, that generally, in so far as arguments are concerned, this was pretty well covered at the meeting when this was initially raised. Since that time I have made a couple of inquiries of Douglas Fisher, who is the member from Port Arthur and who was also a school teacher, as to activities in high schools and universities in the teaching of what we used to call civics, but which is now something like political science or citizenship, or things of that nature.

This has been quite extensively established in universities where they have mock parliaments and where students are under the age of 21. It would seem that by lowering the voting age, as I suggested—and I suggested 18, although I am not committed rigidly to that particular age—it could just as easily be 19—that this would afford an opportunity, in addition to the other reasons, to students in school to put into more practical effect their teachings and their learnings in the schools, so far as civics and citizenship are concerned. They would have an opportunity to personally participate in elections and get a much closer feeling of what it means to participate as other Canadians by casting their ballots for the person or party that they want.

It is all part of an education in democracy, really. Beyond that I do not know that it is necessary to go any further. Mr. Mandziuk dealt with the question of teachers themselves being under 21 in the province of Manitoba, and this is so in other provinces. But young people of that age become

married, they pay taxes, they can end up in the armed forces, they end up in the business world and to all intents and purposes participate as fully as do people of 21 years of age or over in these fields. It would seem to me only sensible that we recognize this completely by lowering the voting age to 18 or 19. As I say, I am not too partial one way or another.

Another factor, which is rather an incidental one but which may carry some weight in some quarters, is the effect this will have in making employment, because of the people who will be required to enumerate the additional people on the voters' lists. The increase this will mean in voters on the lists, of course, I am sure will mean an increase in returning officers, poll clerks and people of that nature.

I do not think it is necessary to go into too extensive or voluble an argument in favour of it. The last time, after listening to other comments, I did not hear any that were opposed to it, and each of the members who made comments usually gave some argument in support of lowering it. So I think probably I will just let it rest there and on the material which Mr. Castonguay has been kind enough to secure from the Statesmen's Year Book, which gives an indication of the age at which people can vote in other countries and in provinces in Canada and in some states in the United States.

I know there is one addition to make to the 18-year old class, although I do not know whether this would carry any weight or not, or whether voting in that particular country means anything compared to our idea of voting, and that is that people in the Soviet Union can also vote at the age of 18—although, as I say, this may not mean anything.

Mr. PICKERSGILL: It probably means as much as it does in Bulgaria.

Mr. HOWARD: Yes.

Mr. PICKERSGILL: I notice that people of 18 years are allowed to vote in the Union of South Africa. I do not know what conclusions would be drawn from that.

I would like to reiterate, Mr. Chairman, in order to dispel Mr. Howard's illusion, that there is unanimity in the committee that, while my feelings are not strong on the subject, my bias is against increasing the voting age principally on two grounds—one, that Mr. Howard himself suggested, that I do not think voting is part of the educational process of the country, and I think that his suggestion that we should let people vote in order to complete their education is a very important argument on the other side. But the second, and in my opinion the more cogent and compelling argument, is that I do not think we should make a general extension of the voting age below the age at which citizens are fully legally liable for their own acts. It seems to me that the one should coincide with the other, that if we are going to treat people as minors in other respects, then as long as we do that we should not change the voting age.

Quite frankly I do think that while there is no sanctity about 21, except the historical sanctity of age, as I said myself the other day, there are a great many people until about the age of 21 who do not really form their ideas in any definite form about these questions that we have to decide in elections. After all, what we are deciding in elections is who is going to carry on the government of this country in circumstances that do not become easier if we look at the headlines in our morning paper.

The CHAIRMAN: Is there any other member who has a comment on this principle that he has not already made when we had it before us?

Mr. AIKEN: Mr. Chairman, in view of the fact that I asked that the decision be deferred, I have been giving some very serious thought to this subject. There are a few things I would like to say now.

The first thing is that if we reduce the age of electors I think we also must reduce the age of candidates. I think that we have deferred decision on both matters until this decision is made.

Frankly, I think that for anyone under 21 to be a candidate at an election would be asking quite a bit of that person. I think that a good many persons, unless they are fortunate enough to stay in politics for a good many years from the age of 18 and onward should be preparing themselves for a vocation in life. To stand for election and perhaps be elected at this age would be most unfair, I think, to the young person. It is unfair enough to a lot of adults who have started in their vocations.

It would have to logically follow, though, that if we reduced the age of electors we would thereby be morally responsible to reduce the age of candidates.

I think the most important argument for reducing the age is the fact that at 18 there are a good many young people in this country who are interested in national affairs and political matters. I know of a lot who have a very keen interest in it and they belong to young organizations, young Conservatives, young Liberals and young C.C.F.'s, if there is such a group. There are certainly a good many young persons interested in all three parties, but they themselves are not certain as to whether or not they should have the vote. Those who are vitally interested certainly would be in a good position to make a decision, but there are a good many more of that age who are not.

Last week the Rotary clubs sponsored an adventure in citizenship, and they brought to Ottawa young people who are in their final years in high school, from all over Canada. I had a few of these from my own riding and I discussed this with them. I discovered also that they had had at Carleton university a general discussion among all the people there about this very subject, whether the voting age should be reduced to 18. There was no general agreement on the subject. Some of the young people themselves thought that the age should be reduced and some did not. As far as I could gather there were just as many for as against. There was certainly far from being any unanimity even among these people themselves who had been given an opportunity to take part in this great adventure.

There is one other thing which concerns me also and that is that in a great part of this country in most of the provinces the age is 21 years. If we were to reduce it now for federal elections, it would create confusion. I presume there is a certain amount of confusion now, but certainly seven out of the ten provincial elections are held with persons voting at the age of 21 years. As a result, I feel there is no great demand in Canada for a reduction in the voting age.

There have been suggestions, I have had them made by my own young people, but I feel there is no great demand for the reduction of the voting age. While I have some sympathy for them, I would think that at this stage we should not consider reducing it.

Mr. CARON: A good many are not ready before the age of 21 and, if we would make a study of all the electors, I think we would find a good many over 21 are not ready. That is not the main argument. I think the main argument which was brought forward was that they are unable to deal under 21 legally without any sponsor, and this would look a little funny to see that a man who has no legal status to deal for himself would be in a position to vote. But, on the other hand, the saying is "no taxation without representation". There are a lot of them starting work at the age of 16 and they have to pay taxes from the age of 16. If there is a war, the first ones called are from 18 years up. If they are considered to be able to take a chance on their lives, I think this is something which would be in favour of reducing the age.



As a matter of fact, I do not think very many have asked for it. I have been discussing the matter with the young Liberals lately and while they do not press for the change, I really believe that most of the young members—there are some foolish ones, but there are more very intelligent and ready to vote than there are the other kind. I think I would stick to my first opinion in favour of reducing it to the age of 18.

The CHAIRMAN: We have before us—I might have called it to the members' attention, but I think the committee realized it—a motion by Mr. Howard, seconded by Mr. Caron, that section 1(a) of section 14 be amended by inserting the word "eighteen" in place of the words "twenty-one".

Mr. MONTGOMERY: Mr. Chairman, I expressed my views the other day and they have not changed. I go along with many of the things that Mr. Howard and Mr. Caron have said. There are a lot that are ready, but I think that is a period of education and since they are not responsible for their acts from a civilian standpoint under the law, I cannot support it. I do not think there is any great demand—and if you got the evidence that was given also concerning the military voting, a great many of these younger fellows voted because they were on parade. I know I had two elections during the war myself and a great many of the younger fellows said: "What do I want to vote for?" The company was paraded and that is the way they voted as a rule.

The CHAIRMAN: Are we ready for the question?

Mr. PICKERSGILL: Just before the question is put, I think I should vote against the motion. But I would like to say just one thing about what Mr. Caron has said. I think I should have great difficulty in voting against this motion if it were not for the fact that those people who are in the armed forces do have a vote now under the law. If they did not have, I think I should find it very hard to vote against the motion; but in view of the fact that anyone in the regular armed forces and liable to active service does now have the vote, I think the most compelling of Mr. Caron's arguments is already met. I admit there is a little inconsistency in this as there is in a lot of things; but on balance I stick to the view that unless we are going to give these people full legal responsibility, I think I would vote against it. The two should be kept as they are.

Mr. CARON: The older ones declare war and the younger ones fight it, yet they do not have the right to vote.

Mr. HODGSON: Yes, they can vote.

Mr. HOWARD: I wonder if perhaps some of the gentlemen here who are either in the legal profession or apprenticed to the legal profession could indicate what this "under twenty-one" business is. Is it a federal matter or a provincial matter, or some of each? What are the restrictions about entering into a contract for a person under the age of 21?

Mr. MONTGOMERY: It comes under the provinces.

Mr. HOWARD: This is what I had thought. Does it mean that a person under the age of 21 cannot enter into any contract to purchase some things, for argument's sake, on credit or things of that nature?

Mr. MANDZIUK: He can enter into a contract, but on reaching 21 he can repudiate it.

Mr. HOWARD: Supposing he or she is 18 and they enter into such a contract, is it valid between the time they are 18 and 21?

Mr. MANDZIUK: No. Mr. Chairman, may I say a word?

The CHAIRMAN: You are finished then, are you Mr. Howard?

Mr. HOWARD: I just wanted to ask that question. I will come back to it later.

The CHAIRMAN: You called for comments from the legal members of the committee and I see you are getting them.

Mr. MANDZIUK: I am not going to go into a legal thesis or anything, but I was one of those who indicated interest and I am interested in the idea. But, as I said, it is premature. With the arguments I have heard this morning, those by Mr. Aiken and Mr. Pickersgill, I think it is too radical a change for the federal parliament to make and thus confuse the provinces. I would vote against the motion.

The CHAIRMAN: Has the mover of the motion a final word before I put the question?

Mr. HOWARD: I do not know if it amounts to the final word, but I would like to make some comments about the arguments I have heard in opposition to this.

On this question of a person under 21 not being able to enter into some sort of contract that is enforceable and being able to repudiate it afterwards, because this is a matter of civil or provincial rights, it seems the federal parliament has nothing to do with it anyway. If we do desire to lower the voting age, and this is a major factor, that is, the right to enter contracts, what this means in essence is that we have to wait if we follow that to its logical conclusion until every province allows either this voting age or more particularly alters those rights of entering a contract so that they are reduced to a lower age. Presumably, this would mean we could never get around to reducing the voting age at the federal level. I do not think it is valid to that extent.

The question of the age of the candidate was raised by Mr. Aiken. True, this is a necessary thought that we must come to that if we lower the voting age we also should lower the age at which a person can be a candidate, because the two are connected.

Mr. PICKERSGILL: What about eligibility for the Senate?

Mr. HOWARD: I have my own thoughts about that and, if I had my way, it would not exist or, I would put them on an elective basis. That would shock many of the hon. gentlemen over there.

However, there is a check. Generally, the electorate look askance at a candidate even now if he is 21 or 22. This is considered as a mark against a candidate because he is not considered, generally speaking, by the electorate to have that maturity which they like to see in a candidate. Even if the age were lowered to 18, this would only increase that feeling on the part of the electorate, that a person of the age of 18, while he is eligible to run as a candidate, would not stand much chance of being elected because of what the people think of his lack of maturity or degree of maturity. I say there is sufficient check there in the hands of the electorate against this possibility arising. But even so, if the electorate in any constituency or anywhere else wants to elect a person of the age of 21—and he may only be of the age of 21 on election day for argument's sake, as I read the act—then that is entirely up to them and they can do so. Even if you were 18, this would be the choice of the electorate. I do not think they would do it because of the general attitude that voters have on this question of maturity.

I do not think there would be any question of confusion as between provincial and federal voters as far as the age of voting is concerned. If there is confusion now, there is in three provinces, that is, British Columbia, where it is 19; Alberta, where it is 19 and Saskatchewan, where it is 18. If there is confusion, there is confusion now, where a person can be one age to vote in one election and, a different age to vote in another election. If this question of confusion is a valid one, the house just recently removed sections of the Canada Elections Act and the Indian Act which gave Indians the right to vote



in federal elections. The Indians do not have the right to vote in all provincial elections, and we gave no thought as to the confusion that might create. It has not anything to do with age, except in the three western provinces; but we gave no thought to confusion there. Again, following that through, it means that if we are thinking in terms of lowering the voting age to 18 at the federal level and having it remain at 21 in some of the provinces or at a different age in some of the other provinces—if there is any validity to this confusion argument, it logically follows we are going to have to wait until every province lowers the voting age uniformly, so they are all 18, 19 or something else before the federal parliament gets around to doing it.

I stand by my initial motion and think that it should be reduced. I selected the age of 18 but, as I say, it does not matter too much to me whether it is 18 or 19. It is 19 in two provinces and perhaps if this confusion business has any validity at all, we might lower it to 19 and that would lessen the expected confusion which would result. I do not think it would.

The CHAIRMAN: The motion then is that subsection 1(a) of section 14 be amended by the substitution of the word "eighteen" for the words "twenty-one". Ready for the question?

All in favour of the motion? Opposed?

I declare the motion lost.

Mr. HOWARD: Are you sure of that count, Mr. Chairman?

The CHAIRMAN: I think no recount is required here, Mr. Howard.

Mr. AIKEN: Mr. Chairman, I think we allowed section 19, subsection (c) to stand as well. I wonder if we could dispose of that? That refers to qualification of candidates.

The CHAIRMAN: Section 19, subsection (c), is it the pleasure of the committee that section 19, subsection (c) and section 14, subsection (1)(a) will stand as now before us in the act?

Agreed.

Mr. BELL (*Carleton*): May I inquire, Mr. Chairman, if the memorandum which Mr. Castonguay prepared is becoming part of our printed record? I think it should be.

The CHAIRMAN: If it is the wish of the committee, we have to have it in today's record at the beginning of today's discussion.

Mr. HOWARD: This would be as an appendix to our discussion.

Mr. BELL (*Carleton*): I would prefer to see it inserted in the record at the start of the discussion.

Mr. HOWARD: Yes, just as if it had been read.

Agreed.

The CHAIRMAN: We will include it at the beginning of the discussion.

Now, we come to section 40. You have before you—

Mr. MONTGOMERY: Did you deal with 19?

The CHAIRMAN: Yes.

Mr. PICKERSGILL: Perhaps, Mr. Chairman, before we start with section 40, I might say I happened to encounter Senator Powers yesterday and I spoke to him about this burden of proof in section 38. He had no immediate recollection of it, but when we looked at the section, he said he would look up some of his papers and notes. Perhaps if we can just leave that until the meeting next week, I hope then I will have any recollection he has of it.

The CHAIRMAN: I was about to suggest we take up section 38 subsequently.

Mr. CARON: It may be we might have an opinion from the Department of Justice too.



Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): The Department of Justice have no historical records of the Elections Act.

The CHAIRMAN: Have we agreed to section 39?

Agreed.

The CHAIRMAN: Now, section 40?

40.(1) If any deputy returning officer or poll clerk, presiding at a polling station, in administering to any person any oath mentions as a disqualification any fact or circumstance that is not a disqualification according to the provisions of this act, he is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

(2) No elector who has refused to take any oath or affirmation or to answer any question, as by this act required, shall receive a ballot paper or be admitted to vote or be again admitted to the polling place.

Mr. CARON: Under section 40, I am the one who raised the point the other day and I am quite satisfied with the amendment which is proposed by Mr. Castonguay. I think it covers the matter perfectly well.

Section 40 of the said act is amended by adding the following subsection thereto;

(3) If an elector is asked to take an oath or affirmation not prescribed by this act and he refuses, he may appeal to the returning officer, and if, after consultation with the deputy returning officer or the poll clerk of the appropriate polling station, the returning officer decides that such oath or affirmation was not in fact prescribed by this act, he shall direct that such elector be again admitted to the poll and that he be allowed to vote, provided that the elector is otherwise qualified to vote.

The CHAIRMAN: Do any other members wish to comment on this suggested amendment? Are we agreed to accept this and have it incorporated as part of section 40, which would then become subsection (3)?

Agreed.

The CHAIRMAN:

Now, we move on to section 41:

41. (1) Where there is contained in the official list of electors a name, address and occupation which correspond so closely with the name, address and occupation of a person by whom a ballot is demanded as to suggest that the entry in such official list of electors was intended to refer to him, such person is, upon taking an oath in form No. 43 and complying in all other respects with the provisions of this act, entitled to receive a ballot and to vote.

(2) In any such case the name, address and occupation shall be correctly entered in the poll book and the fact that the oath has been taken shall be entered in the proper column of the poll book.

Any comments on section 41, Mr. Castonguay?

Mr. CASTONGUAY: No, no comment.

The CHAIRMAN: Any of the members of the committee any comments on this section 41? Are we agreed?

Agreed.

The CHAIRMAN:

We move on to section 42, entries in poll book.

42. The poll clerk shall

- (a) make such entries in the poll book, as the deputy returning officer, pursuant to any provision of this act, directs;
- (b) enter in the poll book opposite the name of each voter, as soon as the voter's ballot paper has been deposited in the ballot box, the word "voted";
- (c) enter in the poll book the word "sworn" or "affirmed" opposite the name of each elector, to whom any oath or affirmation has been administered, indicating the nature of the oath or affirmation; and
- (d) enter in the poll book the words "refused to be sworn" or "refused to affirm" or "refused to answer", opposite the name of each elector who has refused to take an oath or to affirm, when he has been legally required so to do, or has refused to answer questions which he has been legally required to answer.

Any comments on the operation of this section, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Members of the committee?

Mr. PICKERSGILL: Would there be any need of any clarification in this section on account of our having accepted this amendment to section 40, because the (d) says:

The poll clerk shall enter in the poll book the words "refused to be sworn" or "refused to affirm"...

If in those were cases where the returning officer comes back with an elector and he is subsequently allowed to vote, there should be something in the roll indicating that fact. I would think there would have to be some consequential provision made there.

Mr. BELL (Carleton): I think you would have to have an entry of (e) there to cover that provision of section 40, subsection (3).

Mr. CASTONGUAY: I will prepare a draft and we can have a look at it at the next meeting.

The CHAIRMAN: We will stand that until the next meeting.

Section 43—issue of and voting on transfer certificate.

43. (1) At any time between the close of nominations and not later than ten o'clock in the evening of the Saturday immediately preceding polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in form No. 44 entitling him to vote at the latter polling station.

(2) Every person appointed agent for a candidate, who has obtained a transfer certificate from the returning officer or the election clerk shall, before being allowed to vote by virtue of such certificate, subscribe to the affidavit in form No. 45 before the deputy returning officer, and such affidavit, together with the transfer certificate attached, shall be be surrendered to the deputy returning officer before whom it is subscribed.

(3) Any candidate whose name appears upon the list of electors for any polling station is entitled at his request to receive a transfer certificate entitling him to vote in any specified polling station instead of that upon the list of electors for which his name appears.

(4) The returning officer or the election clerk may also at any time issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated.

(5) Except in the case of the election clerk, no transfer certificate issued to any election officer or agent for a candidate under this section entitles such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the said certificate at the polling station therein mentioned.

(6) No returning officer or election clerk shall together issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station, and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

(7) The returning officer or the election clerk by whom any transfer certificate is issued shall.

- (a) fill in and sign such certificate and mention thereon the date of its issue,
- (b) consecutively number every such certificate in the order of its issue,
- (c) keep a record of every such certificate in the order of its issue on the form prescribed by the chief electoral officer,
- (d) not issue any such certificate in blank, and
- (e) whenever possible, send a copy of the transfer certificate issued to the deputy returning officer for the polling station on the list for which appears the name of the person to whom such certificate has been issued.

(8) In every case of a vote polled under authority of this section the poll clerk shall enter in the poll book, opposite the voter's name, in the column for remarks, a memorandum stating that the voter voted under a transfer certificate, giving the number of such certificate, and stating the particular office or position which the voter is filling at the polling station.

Have you a comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Any member of the committee a comment or question on section 43?

Mr. BELL (*Carleton*): This will not be significant in view of the adoption of the advance poll procedure but, nonetheless, I think it is required in its existing form. In places I have seen it operate, it operates quite satisfactorily.

The CHAIRMAN: Any other member of the committee? Are we agreed?

Agreed.



The CHAIRMAN: We move on to section 44, *secrecy*.

44. (1) Every candidate, officer, clerk, agent or other person in attendance at a polling station or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting; and no candidate, officer, clerk, agent or other person shall,

- (a) at the polling station interfere with, or attempt to interfere with an elector when marking his ballot paper, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
- (b) at the counting of the votes attempt to ascertain the number on the counterfoil of any ballot paper;
- (c) at any time communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station;
- (d) at any time or place, directly or indirectly, induce or endeavour to induce any voter to show his ballot paper after he has marked it, so as to make known to any person the name of the candidate for or against whom he has so cast his vote;
- (e) at any time communicate to any person any information obtained at a polling station as to the candidate for whom any elector at such polling station is about to vote or has voted; or
- (f) at such counting attempt to obtain any information or communicate any information obtained at such counting as to the candidate for whom any vote is given in any particular ballot paper.

(2) No elector shall, except when unable to vote in the manner prescribed by this act on account of inability to read, blindness or other physical incapacity:

- (a) upon entering the polling station and before receiving a ballot paper, openly declare for whom he intends to vote;
- (b) show his ballot paper, when marked, so as to allow the name of the candidate for whom he has voted to be known; or
- (c) before leaving the polling station, openly declare for whom he has voted.

(3) Every person who contravenes or fails to observe any provision of this section is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

(4) It is the duty of the deputy returning officer to draw the attention of any elector who has contravened the provisions of subsection (2) to the offence that he has committed and to the penalty to which he has rendered himself liable, but such elector shall nevertheless be allowed to vote in the usual way.

Have you anything on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Any member of the committee?

Mr. CARON: I think under this section anybody who is not able to vote by himself can choose his own witness or his own person to vote for him?

Mr. CASTONGUAY: It all depends whether he comes under the category of an incapacitated person. A blind person can, but not an incapacitated person. The procedure is set out in the act for an incapacitated person. That is in section 45, subsection (7).

Mr. CARON: Why the difference between the blind and other incapacitated persons?

The CHAIRMAN: Have we agreed then on section 44?

Mr. PICKERSGILL: I think we ought really to look at the two together.

Mr. CARON: I am on section 44 yet. This will come up in section 45?

Mr. CASTONGUAY: Section 45, subsection (7).

The CHAIRMAN: Is there anything in 44? If not, we will move on to section 45 and discuss this matter you have in mind.

Mr. BELL (*Carleton*): Could we take this possibly by subsections? This is fairly important.

The CHAIRMAN: Well, are we agreed then on 44?  
Agreed.

The CHAIRMAN: All right, section 45. It has been suggested that we deal with this one subsection by subsection.

No. 1—delivery of ballot paper to elector.

45. (1) Voting shall be by ballot, and each elector shall receive from the deputy returning officer a ballot paper, on the back of which such officer has, as prescribed in subsection (2) of section 36, affixed his initials, so placed, as indicated on the back of form No. 35, that when the ballot paper is folded the initials can be seen without unfolding the ballot paper.

Mr. MONTGOMERY: So often these electors go in and pick up a ballot and the deputy returning officer indicates how it should be folded over, but often it will come back folded three or four times. That does not make any difference, does it?

Mr. CASTONGUAY: No, it does not at all. The only problem that comes up for the deputy returning officer on getting it back is to unfold it without looking at it to see the initials and the number on the counterfoil to ascertain that the ballot did belong to the elector.

Mr. AIKEN: Mr. Chairman, there is one matter on subsection (1) I would like to draw to the attention of the committee. I am wondering whether the deputy returning officer should initial each ballot paper in the same manner, or whether there should be such a provision?

Mr. CASTONGUAY: There is this provision: we clearly point out that they should be initialled before the polling opens before anyone is allowed to vote. In my instructions I clearly set out that they should be initialled, all in pencil or all in pen. But when you have 200,000 people working at this particular operation, you cannot expect them to operate like a precision drill squad of the Canadian Grenadier Guards, because they have not got that kind of training. Generally speaking, it works reasonably well.

Mr. AIKEN: What I am wondering is whether in each case the deputy returning officer should use either two initials or three in initialling each ballot paper. I do not want to spell out in the committee what I have in mind, but I know certain cases where one ballot paper has been differently initialled by the deputy returning officer to others by putting two initials rather than three.

Mr. MONTGOMERY: It seems to me if they are all initialled before the poll opens—although I agree with you if it is two initials, it should go all the way through with two initials—but I still cannot see how the ballot can be distinguishable, because no one knows when someone is going to come in and vote. He could not know. You have the thing initialled before the poll opens.

The CHAIRMAN: Which is the way they are done.

Mr. MONTGOMERY: That is the way they ought to be done and I think mainly done, but occasionally they get in a rush and he initials them later sometime during the day.

Mr. AIKEN: I do not want to press it if regulations cover the point.

Mr. PICKERSGILL: Actually, it is covered in another section of the law that we considered the other day.

Mr. BELL (*Carleton*): Section 36(2) covers it.

The CHAIRMAN: Anything further on subsection (1)?

Agreed.

The CHAIRMAN: Subsection (2)?

The deputy returning officer shall instruct the elector how and where to affix his mark, and shall properly fold the elector's ballot paper, directing him to return it, when marked, folded as shown, but without inquiring or seeing for whom the elector intends to vote, except when the elector is unable to vote in the manner prescribed by this act on account of inability to read, blindness or other physical incapacity.

Mr. PICKERSGILL: I have never really looked at subsection (2), but when I look at it it seems really rather odd:

The deputy returning officer shall instruct the elector how and where to affix his mark...

If that were interpreted literally—

Mr. CASTONGUAY: We have had no trouble in this being interpreted in the manner which Mr. Pickersgill suggests. I think the general idea is that they interpret it to mean "put the mark on this side of the ballot".

Mr. PICKERSGILL: Oh, quite. I am not suggesting there has been any practical difficulty, except in a few constituencies where it would happen anyway; but the language, when you look at it, does rather suggest we ought to have the kind of elections they have in the Soviet union.

The CHAIRMAN: Any other comment on subsection (2)?

Agreed.

The CHAIRMAN: Subsection (3)—mode of voting.

(3) The elector on receiving the ballot paper, shall forthwith proceed into a voting compartment and there mark his ballot paper by making a cross with a black lead pencil within the space on the ballot paper containing the name and particulars of the candidate (or of each of the candidates) for whom he intends to vote, and he shall then fold the ballot paper as directed so that the initials on the back of it and the printed serial number on the back of the counterfoil can be seen without unfolding it, and hand the ballot paper to the deputy returning officer, who shall, without unfolding it, ascertain by examination of the abovementioned initials and printed serial number that it is the same ballot paper as that delivered to the elector and if the same he shall forthwith in full view of the elector and all others present, remove and destroy the counterfoil and the deputy returning officer shall himself deposit the ballot paper in the ballot box.

Mr. BELL (*Carleton*): I think the aspect that confuses more electors than others is the fact that they have to give their ballot back to the deputy returning officer to have the counterfoil torn off, and then the deputy returning officer puts it in the box. I do not see any way around that, but I know it causes a very great deal of irritation in many polls, and many electors believe it is some technique of violating the secrecy of the ballot. It is different in this respect than it is usually in municipal elections, where they do not use the counterfoil. But as long as you have the counterfoil, which I think in certain constituencies of this country is a necessary precaution, then I see no other



technique. I think there are many, many constituencies in this country where the counterfoil could be abandoned completely, but there are some where it is absolutely necessary.

Mr. PICKERSGILL: Right. I must say I agree with Mr. Bell. There is an almost instinctive feeling—I have felt it myself—when you hand this ballot to the deputy returning officer—that if he was a real sleight-of-hand artist he could slip it up his sleeve and pull out another one. I always stayed and scrutinized the operation very carefully until it was in the ballot box.

Mr. CASTONGUAY: I think many of the complaints come after the election, when they see the leaders of the party being photographed putting a ballot directly in the box themselves. That is where the complaint comes from a great deal.

Mr. MONTGOMERY: Well, they have not any right to do that, have they?

Mr. CASTONGUAY: No, it is just a staged picture. The leaders go through the same procedure, but for the purpose of taking a good picture—

Mr. PICKERSGILL: Could the chief electoral officer arrange to have a seminar for the leaders of parties?

The CHAIRMAN: Subsection (3)—

Mr. BELL (*Carleton*): Is it now true with the ballot paper prepared by the chief electoral officer, that it is impossible to have it prepared with the number of the counterfoil on the back of the ballot? I remember in 1930 in the dual constituency of Ottawa, consecutive numbers got on the ballot paper and there was quite a riot in the latter part of the afternoon.

Mr. CASTONGUAY: This is the manner in which we have the paper printed (demonstrating). We send it like this to the electoral district. You can make 16 ballots with its sheet. We also send with the ballot paper a specimen for the printer to do the printing, who reproduces it. I have not heard of a number since 1934, as long as I have been in office, being reproduced on the back of the ballot paper.

Mr. BELL (*Carleton*): The only time I heard of it was in the dual riding of Ottawa in 1930.

Mr. MONTGOMERY: The counterfoils are retained and sent in?

Mr. CASTONGUAY: The counterfoil is just attached when it is given to the elector and when the elector brings it back to the deputy returning officer, the deputy returning officer checks his initials, the number of the counterfoil against the one on the stub, then tears off the counterfoil and destroys it.

Mr. MONTGOMERY: He does not keep that?

Mr. CASTONGUAY: No, there is no way possible for the number on the ballot paper to be ever linked with the name of the elector in the electoral poll book. Even if the counterfoil and the number stays on, there is no way of identifying the number of a ballot against the name of an elector.

Mr. MONTGOMERY: Is that torn off after they count?

Mr. CASTONGUAY: The provision in the act is, the counterfoil is torn off before they count.

Mr. PICKERSGILL: I do not think it would be absolutely infallible. There would be the odd mistake. I would think in four or five ballot boxes there must be one or two get in.

The CHAIRMAN: Have you had any complaints, Mr. Castonguay, about the perforations on ballots? I remember an extremely important constituency in 1957 where they had a desperate time ripping and tearing.

Mr. CASTONGUAY: This came up because one year the printer forgot to perforate those sheets. We discovered it when they were stored in our warehouse

and the printer sent down a perforating machine and they went through and put perforations in the paper; but it was not as good as if it had been done in the plant. That is the year we had so many complaints about the perforations, but since then that has not happened.

The CHAIRMAN: That was in 1957, was it?

Mr. CASTONGUAY: I think 1957.

The CHAIRMAN: I remember one irate voter saying, "Don't give me one of those torn ballots."

Agreed?

Agreed

The CHAIRMAN: Subsection (4), spoiled ballot paper.

45. (4) An elector who has inadvertently dealt with the ballot paper delivered to him in such manner that it cannot conveniently be used shall restore it to the deputy returning officer, who shall deface it in such manner as to render it a spoiled ballot; the deputy returning officer shall then deliver another ballot paper to the elector.

The CHAIRMAN: Anything on that, Mr. Castonguay?

Mr. CASTONGUAY: No.

The CHAIRMAN: Gentlemen?

Mr. AIKEN: There are very few spoiled ballots, I believe?

Mr. CASTONGUAY: A spoiled ballot is one given to an elector and he inadvertently marks it and then returns to the deputy returning officer and he is given a new one. There are very few of these. There is some confusion in polls as to what is a spoiled ballot and what is a rejected ballot. Sometimes the two are combined in their report.

Mr. PICKERSGILL: What is done with these ballots?

Mr. CASTONGUAY: There is an envelope in which they put spoiled ballots. They are counted after the poll closes and the counting must be made of all ballots, so many used, so many rejected, so many spoiled, and they must check all the numbers supplied to the deputy returning officer. We keep this report for a year.

Mr. BELL (*Carleton*): I often wish we had some different terminology than "spoiled" in relation to these. There is some confusion between the word "spoiled" and "rejected." To the average deputy returning officer, I mean a deputy returning officer who has worked in municipal elections, the word "spoiled" really means a rejected ballot. I have tried very hard many times to think of a more appropriate terminology that might draw a distinction between the two types. I confess I have not been able to think of anything that is any more appropriate than what we presently have.

Mr. CASTONGUAY: We have tried to overcome this by putting on the envelope the definition of a spoiled ballot and a rejected ballot.

Mr. PICKERSGILL: Why don't you call it what you say, then, "Who shall deface it in such a way as to render it a defaced ballot"?

Mr. CASTONGUAY: At night when they are counting the ballots that are found in the ballot boxes some of them are defaced. Some electors just put a cross right across it and some put frivolous remarks.

Mr. PICKERSGILL: But those are rejected ballots?

Mr. CASTONGUAY: Yes, but the deputy returning officer would have the two types of ballots that were defaced. There would still be confusion.

Mr. MONTGOMERY: I think we should leave it as it is.

Mr. CASTONGUAY: I think it is working very well, because our spoiled ballots are less than one per cent, and when you have less than one per cent you have practically perfection in any electoral system. If we get over one per cent we might start worrying about it, but when you have less than one per cent this is as much perfection as you can get and I think the work of the returning officers and electors is commendable.

Agreed.

The CHAIRMAN: Subsection (5), elector in whose name another has voted.

Agreed.

The CHAIRMAN: Subsection (6), entry in poll book.

Agreed.

The CHAIRMAN: Subsection (7), elector unable to mark his ballot paper.

45. (7) The deputy returning officer on the application of any elector who is unable to read, or is incapacitated, from any physical cause other than blindness, from voting in the manner prescribed by this act, shall require the elector making such application to make oath in form No. 47 of his incapacity to vote without assistance, and shall thereafter assist such elector by marking his ballot paper in the manner directed by such elector in the presence of the poll clerk and of the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station and of no other person, and shall place such ballot in the ballot box.

Mr. CARON: On (7), I think all those incapacitated should be treated the same as the blind,—that they would be able to choose the person to help them, because otherwise there would be at least two or three persons knowing how they vote. He would bring somebody of his family to vote for him and then only the family would know, as they generally know ahead of time anyway. Is there a special reason for separating them?

Mr. CASTONGUAY: I do not know if this is the reason, but I presume the reason is, with regard to a blind elector, it is very evident that he is physically incapacitated. So therefore it is very easy for the deputy returning officer to establish that this person is blind. But if you term incapacitated persons, illiterate persons and persons incapacitated in other ways there would be lots of people who, if you permitted the procedure for blind electors, there could be a lot of intimidation and influencing of electors by asking that these electors go through the motion of being illiterate or incapacitated, and have their ballots marked in that manner.

The only way of ensuring that there is protection on their ballot is the way it is now. This ballot is only marked in front of the deputy returning officer, the poll clerk and the agent, and they all must take an oath of secrecy that they will not divulge the manner in which the elector has marked his ballot in front of them. I think if you extended the blind procedure to the incapacitated it might open the door, not in all the districts but in some districts, to abuses. This has worked very well. If it is restricted to parents, there are many people who are incapacitated who have not parents in the district or blood relatives. You might be depriving these people of a vote if they could not produce a blood relative to act in their capacity. In all my experience I have never heard any representation from an incapacitated person that they should be given the same privilege as a blind person to vote.

Mr. CARON: Would there not be the same thing if you dealt with a dishonest person? If they want to be dishonest they could be dishonest even with the oath. If it was established that it would be a member of the family, or in case there would not be any then a representative of the candidates, but they would have a choice to bring somebody of their own family.



Mr. MONTGOMERY: Mr. Chairman, I can see where that could be abused. This has worked well. I might startle you with some knowledge I happen to have. If an incapacitated person had the right to take someone in behind the screen and mark his ballot I think that would lead to more corruption than we have at present.

Mr. PICKERSGILL: It is perhaps not difficult to prove you are literate, but it is rather hard to prove you are illiterate.

Mr. BELL (*Carleton*): I think we should leave it alone.

The CHAIRMAN: Anything further? Are we agreed on (7)?

Agreed.

The CHAIRMAN: Subsection (8), blind elector's ballot paper marked by friend.

Agreed.

The CHAIRMAN: Subsection (9), oath of friend.

Agreed.

The CHAIRMAN: Subsection (10), entry in poll book. We are back to the poll book again. Anything further? Are we agreed?

Agreed.

The CHAIRMAN: Subsection (11), interpreter to be sworn.

45. (11) Whenever the deputy returning officer does not understand the language spoken by any elector that officer shall appoint and swear an interpreter, who shall be the means of communication between him and the elector with reference to all matters required to enable such elector to vote, and in case no interpreter is found, such elector shall not be allowed to vote.

Mr. PICKERSGILL: Just about that subsection, is there any experience about it?

Mr. CASTONGUAY: The only experience we have had, I think, has been with the Indians in the Yukon, Northwest Territories and the Mackenzie district. Interpreters are employed for people speaking any language other than the English and French language in the ten provinces that are not Indians. There are very few. I do not think we have more than 50 interpreters at elections. That is out of a potential 45,000.

Mr. PICKERSGILL: It is a provision of the Citizenship Act that before a person can get his citizenship he shall have a knowledge of either the English or the French language. So that it should not arise apart from Indians.

Mr. CASTONGUAY: Indians and Eskimos.

Mr. PICKERSGILL: Yes, although there are cases, of course, where you are born in another country and are a Canadian citizen and cannot speak either English or French and have come here when you reached your majority; but I think they must be rare.

Mr. CASTONGUAY: I think 99 per cent of our accounts come from polls where Indians and Eskimos are voting.

Mr. PICKERSGILL: And precautions are always taken to see that in places where any considerable number of electors speak both official languages that there are officials there who speak both languages?

Mr. CASTONGUAY: We have never had any difficulty in this particular case.

Mr. MONTGOMERY: I would just ask the question, Mr. Chairman, if that would be interpreted that the interpreter had to be sworn in the morning and stay within the poll, or if a voter happened to come along and he took an interpreter in with him?

Mr. CASTONGUAY: Yes, he could.

The CHAIRMAN: Anything further? Agreed?

Agreed.

The CHAIRMAN: Subsection (12), no delay in voting. Any member feel that he should be allowed a little time to sit and think there? Agreed?

Agreed.

The CHAIRMAN: Subsection (13), electors present at hour of close of poll allowed to vote.

45. (13) If at the hour of closing of the poll there are any electors in the polling station or in line at the door, who are qualified to vote and have not been able to do since their arrival at the polling station, the poll shall be kept open a sufficient time to enable them to vote, before the outer door of the polling station is closed, but no one not actually present at the poll at the hour of closing shall be allowed to vote, even if the poll is still open when he arrives.

Mr. CARON: "If at the hour of closing of the poll there are any electors in the polling station or in line at the door"—that means outside or inside?

Mr. CASTONGUAY: We instruct our polling officials that at 6 o'clock the poll clerk takes the names of the people who have not voted and that is either people in or out—if there is a line stretching out to the verandah outside he would take the name of all the persons who are there at 6 o'clock in or out of the polling place. Only those persons are allowed to vote.

Mr. CARON: And it is the deputy returning officer who goes to take those names?

Mr. CASTONGUAY: Or the poll clerk. The deputy returning officer is taking the vote. You have two officials, the deputy returning officer and the poll clerk.

Mr. CARON: Who take the names?

Mr. CASTONGUAY: The deputy or the poll clerk take the names of the people in the line who are permitted to vote, or they close off the area and all the people in the room are allowed to vote if there is no one outside. There is no standard pattern, but it is along those two lines. We have had no trouble with this provision.

Mr. CARON: You have had no trouble?

Mr. CASTONGUAY: Not that I know of.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Subsection (14), voting by qualified elector who is a bed-ridden patient in a sanatorium, and so on.

45. (14) Whenever a polling station has been established in a sanatorium, a chronic hospital, or similar institution for the care are treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such

votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections (7) and (8).

Mr. CASTONGUAY: The only thing I have here is I would like the support of the committee. Some of my rulings have been challenged in so far as this section applies to old people's homes. There are old people's homes where there may be 20 or 30 people bedridden because of some chronic disease. I have ruled that these people are bedridden because of chronic disease, not because of old age. Sometimes people say this voting procedure should not apply there, but I have ruled that these people are bedridden because of chronic diseases and may vote by this procedure.

Mr. BELL (*Carleton*): I agree with what the chief electoral officer has done.

Mr. PICKERSGILL: I wonder if there is some way of tidying up the language? It says, "tuberculosis or other chronic diseases." Tuberculosis has long since ceased to be a chronic disease.

Mr. CASTONGUAY: I think it was put in to single out the difference between the chronic hospitals and acute hospitals.

Mr. PICKERSGILL: But today tuberculosis is not a chronic disease.

Mr. KUCHEREPA: It still is.

Mr. PICKERSGILL: In some cases.

Mr. CASTONGUAY: It is a good yardstick to start from, to distinguish it from an acute hospital. I have had many representations that this section should apply to an acute hospital. I do not think it is the wish of parliament that voting take place in these hospitals in the same manner as in a chronic hospital.

Mr. KUCHEREPA: It just is not feasible.

Mr. CASTONGUAY: The average stay of a patient in an acute hospital is ten days. So between the date of the issuance of the writ and the election you have five sets of patients. We do provide polling facilities for resident nurses who live on the premises, and doctors, but not patients who are there.

Mr. KUCHEREPA: You might clarify the section by putting in bedridden along with chronic diseases, and you might cover the field you are attempting to cover that way.

Mr. CASTONGUAY: Is it the wish of the committee that I cover these old people's homes?

Mr. BELL (*Carleton*): I think that undoubtedly would be the wish of the committee and I think we should let this stand so that Mr. Castonguay can consult the Department of Justice and tidy up the language of this section.

Mr. PICKERSGILL: I think so, too. I really take some exception to "chronic hospital." A hospital is not chronic; it is the people who are in it. While we are doing it we might just as well—

Mr. CASTONGUAY: There is an expression known in the medical profession as an acute hospital. Maybe Dr. Kucherepa can clear us up on this one.

Mr. KUCHEREPA: That is rather a colloquial expression. Hospital for treatment of acute conditions would probably be more correct.

The CHAIRMAN: Is it the wish of the committee that we leave this section to Mr. Castonguay to draft new language?

Mr. MONTGOMERY: Mr. Chairman, I would like to raise one point.

The CHAIRMAN: On (14)?

Mr. MONTGOMERY: Yes, I think I had better raise it here. Sometimes these polls are held in court houses or schools, where there are quite a few steps up. We have, I imagine, over the country a number of wheel-chair cases, crippled



people, who have to have somebody accompanying them or they have to be carried in to a poll.

I know one or two polls where it was agreed that instead of getting that person in to the poll the poll clerk and returning officer went out to the door and they were brought to the door and voted. Would that be illegal under the act?

Mr. CASTONGUAY: It would be illegal under the act.

Mr. MONTGOMERY: If it is agreeable to both parties?

Mr. CASTONGUAY: This procedure by agreement at the poll has been followed a great deal. I have only had one case as long as I have been chief electoral officer where an actual ruling was asked of me on polling day, whether it would be permissive to bring the box to an automobile where there was a crippled person and I had ruled that it could not be done. But this is the only instance in four general elections that I have supervised where it was brought to my attention. I do know there has been a lot of agreement between people in the polling districts and they have handled it pretty well. I do not know how you could handle it by legislation.

The CHAIRMAN: We had better let it stand. We are leaving subsection (14) for attention later and we have agreed on the first 13 subsections of section 14. Now Section 46.

46. (1) Subject as herein provided, any person who is qualified to vote in the electoral district, in which an election is pending, and is, on polling day, ordinarily resident in a rural polling division may, notwithstanding that his name does not appear on the official list of electors for such rural polling division, vote at the appropriate polling station established therefor.

(2) Any such person as is in sub-section (1) described is entitled to vote only

- (a) upon his being vouched for by an elector whose name appears on the official list of electors for such rural polling division and who is ordinarily resident therein, and personally attends with him at the polling station and takes an oath in form No. 50, and
- (b) upon himself taking an oath in form No. 49.

(3) The poll clerk shall make such entries in the poll book, as the deputy returning officer directs him to make, including the name of the elector who vouched for the applicant elector, and as are required by any provision of this act.

(4) Any elector who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election, is guilty of an illegal practice and of an offence against this act punishable on summary conviction as in this act provided.

Mr. AIKEN: I am not quite clear—perhaps the chief electoral officer is—on what change, if any, is to be introduced into this section. Is it merely to bring it up to date in technical terms?

Mr. CASTONGUAY: As I understand it, all I have to do is bring in a change that will incorporate in this section, old people's homes. Is this the feeling of the Committee.

Mr. MONTGOMERY: Yes, I think that is right.

Mr. PICKERSGILL: There is a point there. If we are going to have a poll in the old people's homes it would be for all the occupants, not merely for the bedridden.

Mr. CASTONGUAY: I establish separate polling divisions for old people's homes, but this particular provision allows the taking of the vote of bedridden patients, where they move around from bed to bed taking their votes, and it would tidy up some of these things. I have had views expressed that a home for the aged is not an institution for the treatment of chronic diseases and this amendment would remove such doubts.

Mr. PICKERSGILL: You are not going to substitute yourself for the provincial authorities.

Mr. CASTONGUAY: I merely have said that these people are entitled to vote.

The CHAIRMAN: Section 46, vote by elector whose name is not entered in the official list of electors for a rural polling division. Have you any comments on that, Mr. Castonguay?

Mr. CASTONGUAY: None, except that it is still working well.

The CHAIRMAN: Anyone else? Any comment or question on that? Agreed? Agreed.

The CHAIRMAN: Section 47, time to employees for voting.

47. (1) Every employee who is a qualified elector shall, while the polls are open on polling day at an election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours; no employer shall make any deduction from the pay of any such employee nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours; the additional time for voting above referred to shall be granted at the convenience of the employer.

(2) This section extends to railway companies and their employees, except such employees as are actually engaged in the running of trains and to whom such time cannot be allowed without interfering with the manning of the trains.

(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the consecutive hours for voting, as in this section provided, is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Mr. CARON: I see in subsection (1) that nobody has the right to interfere with, except in certain cases, the additional time for voting, and that the time shall be granted at the convenience of the employer. I know that sometimes it is impossible; but suppose an employer has no good reason, then it falls upon the employee to report the matter and this man would be exposed to losing his job. Would it be better after an employer has cut off the time for voting, that he should have to state his reasons to the returning officer or to your office, so that the proof would fall upon the employer instead of falling upon the elector, who might be exposed to losing his job?

Mr. CASTONGUAY: Well, in general, my only comment on this particular matter is that I think companies as a whole and industry as a whole respect this provision. I am speaking of large corporations, industrial people. But there is the odd case where small ones do not. The unions also take a great interest. There is a great deal of cooperation between unions and employers with respect to this matter. I think when they drafted this section they did not want the employees of a firm to say: we want the last three hours off and the employer would have to close up the plant. I only know of isolated cases where this has not been observed by employers.

I must say I think it has been well observed and judging by the number of queries to my office during the period of an election from various unions and chambers of commerce, all the companies are taking great efforts to see that all their employees do get three consecutive hours.

Mr. CARON: I do not quarrel with the section as it is, except if there is anything that could be improved in the case of an employee who needs his job but who cannot vote because of a decision made by his employer. There might be a great number of cases.

Mr. CASTONGUAY: If a special case arose, it would be practically impossible for me or a returning officer to see that it is enforced; because they happen on polling day, these are isolated cases, and how are we going to get hold of that employer and take legal action on that day to allow his employees time off for voting?

Mr. BELL (*Carleton*): It is usually the quite small employers who violate this section?

Mr. CARON: These are the dangerous ones. I am not afraid of the Canadian Pacific Railway or the Canadian National Railways or any great company, but what I am afraid of is some small company where the proprietor is so much involved in the election that he might do that when he knows somebody is not going to vote his way. That is what I am afraid of, and the employee is in bad shape if he has to report that matter. Otherwise, if the employer had to give a written reason to the returning officer why he could not allow the man to go to vote, then it would be easy to make a case against him if the reasons are not valid.

Mr. BELL (*Carleton*): I would like to see the most rigid enforcement of this particular section, but I confess I do not think it is practical to shift the burden. I do not know whether we should go too far. I have heard it argued seriously that this section is ultra vires the parliament of Canada. It may be.

Mr. CASTONGUAY: Mr. Caron's objection might be met by the fact that you have given an extension of one hour and, with the extension of one hour, these people will not be denied the right of voting under those circumstances.

Mr. CARON: No, only for railroaders and so on.

Mr. CASTONGUAY: But this has worked reasonably well and I think it has been observed by most people.

Mr. CARON: I will not press it.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 48—peace and good order at elections.

Are we agreed?

Mr. PICKERSGILL: Has Mr. Castonguay any experience to relate about this?

Mr. CASTONGUAY: Lots of experiences, but none that would be of any assistance to the committee. I think these provisions are all right.

Mr. BELL (*Carleton*): I would like to raise a matter in connection with subsection (10).

48. (10) Any deputy returning officer may appoint a constable to maintain order in his polling station throughout polling day; this authority, however, shall not be exercised unless the services of such constable are deemed absolutely necessary; a constable may be appointed only when there is actual or threatened disorder, or when it is likely that a large number of electors will seek to vote at the same time; generally, the appointment of one constable shall be made where more



than one polling station is established in the same building or in adjoining buildings for a given polling division, to ensure the successive and prompt entrance of the electors into their proper polling station; constables shall be appointed and sworn in on form No. 55, which shall be printed in the poll book; every deputy returning officer who has appointed a constable, shall state his reasons for making such appointment in the space provided for that purpose on the polling station account.

It is quite obvious from a return that was made in the house that in certain sections of the country there are abuses in relation to the appointment of constables and that constables are being appointed where there is in fact no need for them. It is simply a sitting member arranging to extend a little additional patronage to his political machine. I think that ought not to go on. I think we should have constables wherever they are necessary, but it should be a situation where it is considered that there is likely to be a breach of the peace at a polling sub-division.

Mr. CASTONGUAY: It may be of some interest to the committee to know that in the 1957 election there were 7,785 constables and 44,055 polling stations; in 1958 there were 9,019 constables and 44,595 polling stations.

Mr. BELL (*Carleton*): As I recollect, there were some constituencies where there was a constable in virtually every poll. I believe in Essex East and West York they had them in every riding. The two ridings which stick in my mind are two ridings in which I do not think they are likely to require such supervision, or that there will be any breach of the peace.

Mr. MONTGOMERY: On that point, I think it has been the practice—and I know in my own constituency which I can speak for—that I think it has been the practice as long as I can remember that there will be a constable at every poll, provincially and federally. There are very few of these polls that ever have any trouble; but I think it is because there is a constable there. It may be quite an expense. I will admit after the election is over you can say: well, you did not do anything today, you got your money easy. But nevertheless, I do not know how you can cut any out. I would not like to see constables cut out, and I think it has got to be left to the deputy returning officer.

Mr. CARON: I think they have an officer in almost every poll, but he acts as a doorman to keep people out when a person is voting. When one has voted, he comes out and lets the other one in, and if there is a passageway the constable sees that the people do not go any further than the door of the passageway. He is really useful.

Mr. MONTGOMERY: I think so.

Mr. AIKEN: I do not know about Barrie, but I think in Parry Sound-Muskoka there are not more than one or two constables attending. It is only in very exceptional cases, because it has been the custom for a good many years in these particular polls. I do not think they are required any more in the polls where they are appointed than in other polls where they are not.

Mr. BELL (*Carleton*): The practice in my riding has been to appoint only where you have several polls in the one building and he is used as a director of traffic. I think we may have had four or five or six in Carleton.

Mr. CASTONGUAY: Nine.

Mr. HODGSON: I know in Lindsay and Haliburton they appoint a policeman and if you come in and say your name is Brown, he directs you to this box or that box.

Mr. BELL (*Carleton*): It is perhaps something we should not do, but it seems to me the returning officer should have this discretion. I do not want to become treasury-minded in the situation, but it is a totally unnecessary

expense in some constituencies. I think we should try to stamp it out. I think we should appoint constables where they are needed, but we should not tolerate conditions where certain districts are rolling up election costs which are totally unnecessary.

Mr. PICKERSGILL: I think it would be a very dangerous thing to start interfering with the local mores in a very turbulent constituency like Victoria-Carleton. It is obviously necessary to have a constable in that poll. We have not got that situation in Bonavista-Twilligate, but I certainly would not want to have the people of Victoria-Carleton run riot on election day.

Mr. MONTGOMERY: I think it is a matter which should be left to the deputy returning officers.

Mr. PICKERSGILL: I do not see how you can run it any other way. I do not kneel to anyone, even the parliamentary secretary of the Minister of Finance, in my desire to have the public purse.

The CHAIRMAN: Then is it the wish of all that we agree to the subsection as it stands?

Agreed.

The CHAIRMAN: That deals with section 48. We have just a few minutes.

Mr. BELL (*Carleton*): We will have to take section 49 seriatim.

The CHAIRMAN: I think we will have to take that at the next meeting. That meeting is on Monday, and if things go as they are, we may not require a Friday meeting. We are proceeding very nicely.

Thank you, gentlemen, the meeting is adjourned.

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

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MONDAY, MAY 23, 1960

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Respecting  
CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer for Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



# STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,  
and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

MONDAY, May 23, 1960.

(15)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Henderson, Hodgson, Howard, Macquarrie, Montgomery, Paul and Richard (*Ottawa East*)—10.

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee resumed its consideration of the provisions of the Canada Elections Act.

### *On Section 42:*

The Section was amended by striking out the word "and" at the end of paragraph (c) thereof, by adding the word "and" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

"(e) enter in the poll book the words "Readmitted and allowed to vote" opposite the name of each elector readmitted on the direction of the returning officer."

The Section as amended was adopted.

### *On Section 45:*

Subsection (14) of section 45 of the said Act was repealed and the following substituted therefor:

"(14) Whenever a polling station has been established in a sanatorium, a home for the aged, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections (7) and (8)."

The section, as amended, was adopted.

### *On Section 16:*

Subsection (15) of section 16 of the said Act was repealed and the following substituted therefor:

"(15) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election, in a sanatorium, a home for the aged, a chronic hospital, or similar institution for the

treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ."

The Section as amended was adopted.

*On Section 49:*

Mr. Howard moved, seconded by Mr. Aiken,

That the witness consult with the Department of Justice officials with a view to rewording the section by removing the words "firearms, swords, staves, bludgeons, etc." and retaining the words "offensive weapons", where they appear in subsections (1) and (2); and that the expression "one mile" used in subsection (1) be changed to read "half a mile".

The subsections (1)-(3) were allowed to stand.

Subsections (4) (5) and (6) were adopted.

*Sections 50 to 53 and 55 to 61* were adopted.

*On Section 54:*

Mr. Hodgson moved, seconded by Mr. Bell (*Carleton*),

That the deposit required in Subsection (1) respecting a "recount" be increased from "one hundred dollars" to "two hundred and fifty dollars"; and further, that the words "or in the bills of any chartered bank doing business in Canada" be deleted from subsection (1).

The motion was adopted *on division*.

The Section was adopted as amended.

At 10.50 a.m. the Committee adjourned until 9.30 a.m., Tuesday, May 24, 1960.

E. W. Innes,  
*Clerk of the Committee.*



## EVIDENCE

MONDAY, May 23, 1960.

The CHAIRMAN: Good morning, gentlemen, we will call the meeting to order.

Before proceeding with section 49 there is a suggested amendment to section 42 which is before you.

Section 42 of the said Act is amended by striking out the word "and" at the end of paragraph (c) thereof, by adding the word "and" at the end of paragraph (d) thereof and by adding thereto the following paragraph:

"(e) enter in the poll book the words "Readmitted and allowed to vote" opposite the name of each elector readmitted on the direction of the returning officer."

This follows from the amendment which we proposed for section 40. The Chief Electoral Officer was asked to prepare a new paragraph for section 42 and you have it before you.

Mr. CARON: Is that section 42(2)?

The CHAIRMAN: Section 42(e). This relates to the new subsection (3) of section 40 and was in consequence thereof.

Are we agreed on this?

Agreed.

Turning to subsection 14 of section 45, you have before you a suggested amendment, voting by qualified elector who is a bedridden patient in a sanatorium, etc. The same amendment applies to section (15) of section 16, persons residing in a sanatorium, etc.

Subsection (14) of section 45 of the said Act is repealed and the following substituted therefor:

Voting by  
qualified  
elector  
who is a  
bedridden  
patient in a  
sanatorium,  
etc.

"(14) Whenever a polling station has been established in a sanatorium, a home for the aged, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections (7) and (8)."

Mr. AIKEN: I assume the only change is the addition of the words underlined "a home for the aged"?

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): That is correct.

Mr. MONTGOMERY: There is still no provision, I suppose, for people who just happen to be in a hospital?

Mr. CASTONGUAY: The only solution for that probably would be absentee voting.

Mr. HOWARD: Or proxy voting.

Mr. CASTONGUAY: Or proxy.

Mr. HOWARD: I have to get this in every time.

Mr. BELL (*Carleton*): In the type of proxy voting you described, that was for fishermen and mariners?

Mr. HOWARD: Well, if they are in the hospital.

The CHAIRMAN: Anything further on this?

Mr. MONTGOMERY: That seems to cover what we discussed.

Mr. BELL (*Carleton*): Is it clear that the words "for the care and treatment of tuberculosis or other chronic diseases" relates only to the words "similar institution"?

Mr. CASTONGUAY: No doubt has been raised in the application of this particular provision.

Mr. BELL (*Carleton*): And that is the way you interpret it?

Mr. CASTONGUAY: That is the way it has been interpreted by all people who have questioned the rulings I have made with respect to the homes for the aged in the past. The only difficulty has been to establish whether a home for the aged is an institution for the treatment of chronic diseases.

Mr. CARON: It must be chronic when you are that age and you cannot walk.

Mr. BELL (*Carleton*): There is a point, in Mr. Pickersgill's absence, that should be drawn to the attention of the committee. He mentioned the other day that he objected to the expression "tuberculosis or other chronic diseases", claiming that tuberculosis was no longer such.

Mr. CASTONGUAY: I think for the purposes of establishing chronic diseases, tuberculosis is a very good yardstick even though it may not be chronic now. People understand the words "tuberculosis and chronic diseases" I do not know of anything that could be substituted for it.

Mr. BELL (*Carleton*): I am not a sufficient authority to argue the subject, but I thought it should be mentioned because Mr. Pickersgill expressed interest in it the other day.

Mr. AIKEN: I have a tuberculosis hospital in my riding and they have two polls established under this subsection. I am very close to the situation. I think tuberculosis is still a chronic disease. I think they are now able to discharge people six months or a year after admission rather than three or four years as was previously the case, but I think certainly for the purposes of the Election Act, it will still be a chronic disease, because it did tend to keep people there longer than the period between the calling of an election and polling date, and I rather imagine that is what is intended, as opposed to a hospital in which people can be there for a week or ten days and then discharged.

The CHAIRMAN: Is there anything further? Are we agreed?

Agreed.

As a consequence then it would be necessary in subsection (15) of section 16 to add the expression "a home for the aged" after the expression "in a sanatorium".

Subsection (15) of section 16 of the said Act is repealed and the following substituted therefor:

Persons  
residing  
in a  
sanatorium,  
etc.

"(15) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election, in a sanatorium, a home for the aged, a chronic hospital, or

similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ."

Mr. MONTGOMERY: Then that follows as a natural consequence?

The CHAIRMAN: Yes, it is consequential to keep our records straight.

Now, to section 49 "strangers not to enter polling district armed" after which follows a list of descriptive arms and similar other prohibitions.

49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, such as firearms, swords, staves, bludgeons or the like, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within the distance of one mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Mr. BELL (*Carleton*): Do we need to retain the words "swords, staves, bludgeons", do you think? Would it not be sufficient to use the expression "with offensive weapons of any kind"? This section appears to reach back into antiquity.

The CHAIRMAN: Do you have any record of staves and bludgeons being used?

Mr. CASTONGUAY: Not in recent years.

The CHAIRMAN: Is there any other comment or suggestions?

Mr. HOWARD: No, except I am in agreement, it is quite a sensible suggestion.

The CHAIRMAN: Is it agreed then that the illustrative roster of the section after "firearms" be deleted?

Mr. HOWARD: Why not leave it "armed with offensive weapons of any kind, such as firearms"? Could we not do that?

Mr. BELL (*Carleton*): No, I do not think you could. Then you would be restricting it, because the goon squads, of which Mr. Castonguay spoke, might not be equipped with anything akin to firearms.

Mr. CASTONGUAY: Baseball bats.

Mr. BELL (*Carleton*): I think the general expression "offensive weapons of any kind" is preferable.

Mr. CARON: It is much wider.

Mr. BELL (*Carleton*): Yes, if you put a restriction like "firearms"—this is not restrictive at all.

Mr. HOWARD: Shall we take out "firearms, swords, staves, bludgeons"?

Mr. AIKEN: The only obsolete word there seems to be "swords", if I am correct, because I can certainly see that "staves and bludgeons" may be obsolete words, but are not obsolete weapons. "Swords" seems to be the only word that is not in normal use. Perhaps if we took the one word out, we might have it.

Mr. CARON: Pea shooters.

Mr. AIKEN: If we took that one word out, I think it might properly stand.



Mr. CARON: It is much wider if you do not put any restriction, any arm—anything which may be offensive.

Mr. AIKEN: Then everything would come out between the words “such” and “the like”?

The CHAIRMAN: Yes.

Mr. HOWARD: This applies in (2) also, because they use the same type of things.

The CHAIRMAN: Is this suggestion acceptable to all?

Mr. MONTGOMERY: The only question to me is the R.C.M.P. often are carrying revolvers and they may happen to be within a mile of the polling division. I notice it says within one mile of the place where the poll of such polling division is held. I do not know whether there should be an exception made for officers or not.

Mr. HOWARD: Where is this, within a mile of the poll?

Mr. MONTGOMERY: “Within the distance of one mile of the place where the poll of such polling division is held”.

Mr. CASTONGUAY: I do not think this provision applies to policemen. They are maintaining peace and order at the poll.

Mr. MONTGOMERY: That is true, but I was wondering whether there was anything—

Mr. HOWARD: Yes, “unless called upon so to do by lawful authority”. That authorizes the R.C.M.P. to be in possession.

Mr. CASTONGUAY: Yes, they would not be there unless they were asked to come and investigate something.

Mr. HOWARD: Yes, but “within a mile”,—we have polling subdivisions within a block of R.C.M.P. barracks in some cases.

Mr. BELL (*Carleton*): The R.C.M.P. would be “lawful authority”, so I think the specific clause here is sufficient.

Mr. MONTGOMERY: I do not think the question would ever be raised, as a matter of fact.

The CHAIRMAN: Is it agreeable that we strike out those words?

Mr. HOWARD: When an R.C.M.P. officer goes to vote, is he required to take his weapon off at the door, as in the westerns?

The CHAIRMAN: “Such as firearms, swords, staves and bludgeons and the like”—are we agreed to the deletion of that? That is in subsection (1)—

Mr. HOWARD: I think it should be “deliver to them any offensive weapon”.

Mr. AIKEN: I wonder if we could follow the system we followed in other cases by asking the chief electoral officer to inquire from the Department of Justice whether this would cover the situation, and perhaps have a rewording? The reason I suggest that is that we have there several consequential changes because the word “such” appears in several places; “that any such offensive weapons”. Following those words in subsection (2), as Mr. Howard has pointed out, there will have to be another similar amendment.

I am not sure myself whether “offensive weapon” is a broad enough term. I think in the original text they used the words “offensive weapon” and defined them in a certain manner. Perhaps we do not need any definition, but perhaps we do, and I would not want this—

Mr. MONTGOMERY: Is there anything wrong with leaving it as it is?

The CHAIRMAN: Well, I suggest we decide one way or the other on this matter.

Mr. HOWARD: I am partial to cleaning it up, much the same as we cleaned this question of registrars and courts, or whatever it was.

Mr. AIKEN: I do not think we cleaned that up very well, in my opinion.

Mr. HOWARD: No, but we are starting.

The CHAIRMAN: Well, we have the proposition to withdraw certain words and we have the suggestion to the contrary to leave them there.

Mr. HOWARD: Mr. Chairman, I do not think we have got any motion. Maybe that is what is needed to bring it to a head. I would move that we ask Mr. Castonguay to prepare an amendment to this which would remove the reference to firearms, swords, staves, bludgeons and the like and leave the reference to offensive weapons in there.

Mr. AIKEN: I would second that motion.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Now, this is to withdraw the list of illustrative weapons.

Mr. MONTGOMERY: Yes.

The CHAIRMAN: That will apply to subsection (2) as well. What they can do other than strike out those names, I do not know.

Mr. HOWARD: Perhaps there are also some other references in the act, I do not know.

The CHAIRMAN: Anything further on section 49?

Mr. CARON: On subsection (2), there is:

...require any person within half a mile of the place of nomination or of the polling station to deliver to him any firearm, sword, staff, bludgeon or other offensive weapon.

Here it is half a mile and in the first one it is one mile. They are not permitted to carry a gun or anything within a mile, but if it is to deliver one, they can go as far as half a mile from the polling division.

Mr. AIKEN: I think subsection (1) is a stranger and subsection (2) is anybody. The act seems to discriminate against strangers in the actual polling division.

Mr. CARON: It is only half a mile. They can move farther than the other ones.

The CHAIRMAN: There is a twilight zone in the other one.

Mr. HOWARD: What is a stranger?

Mr. AIKEN: That is defined there:

No person who has not had a stated residence in the polling division for at least six months. . .

Mr. CARON: Would it not be better to make it one mile, the same?

The CHAIRMAN: What do you say to that?

Mr. CASTONGUAY: I have no comment on this.

The CHAIRMAN: It has been suggested that the returning officer or deputy returning officer may require any person within a mile, rather than half a mile.

Mr. AIKEN: Mr. Chairman, I would like to ask the chief electoral officer if he has had any experience whatever with action under these two subsections?

Mr. CASTONGUAY: None whatsoever.

Mr. AIKEN: It is an academic discussion we are having then?

Mr. CASTONGUAY: The only time, with these goon squads, some came in armed with pistols, and it was rather impractical for the deputy returning officer to ask them to surrender their pistols there.

Mr. BELL (*Carleton*): But does this constitute authority for the police?

Mr. CASTONGUAY: It constitutes authority, but I have had no experience other than with the goon squads.

The CHAIRMAN: Is it the pleasure of the committee that this "half a mile" be extended to a mile radius?

Mr. HODGSON: I think they both should be half a mile.

The CHAIRMAN: It is agreed that they both be half a mile?

Mr. HODGSON: Yes.

Mr. AIKEN: I would agree.

The CHAIRMAN: Is it agreed that they both be half a mile?

Mr. HOWARD: Firearms are becoming more accurate, you know, Bomarc's and the like. You should make it a mile. I suppose a Bomarc would reach half a mile?

The CHAIRMAN: Well, I do not know whether it would be safe to be within a half a mile of anything. So we are agreed that they should both be half a mile?

Agreed.

Subsection (3) "loud speakers, ensigns, banners, etc., prohibited on polling day".

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election.

Mr. CARON: I think with loud speakers, most of the time the loud speakers are no longer placed on buildings, but are placed on a car and that car is stationed by the building where a meeting is held. It could be done the night previous to the election, if it is on a car. Would there not be a way that it could be clarified that if a car is not in motion—if they have a loud speakers when they hold a meeting the night previous to the election—that this would not be wrong?

Mr. CASTONGUAY: Well, this particular provision has given rise to many misunderstandings and on election day, 50 per cent of our calls, at least to the returning officer and to myself, are on alleged breaches of these subsections (3) and (4).

There are some weird and wonderful interpretations put to this section by candidates and their official agents, and I do not know if it is a question that they do not understand it or have not read it. However, it is their point of view that to bring up a loud hailer on a building is permissible, but not on a vehicle, although the vehicle is parked beside the building. I have a feeling, judging from the number of complaints I have, that the returning officers are demanded to enforce this provision; but the returning officer has no enforcement power in this matter at all. I do not think it is very satisfactory at least from our point of view. Perhaps the committee will have a better knowledge of this provision; but from the returning officer's point of view, and my point of view, it is not a very satisfactory provision the way it stands now. I have not any suggestions to offer, other than that the committee have got to decide if these loud speakers are permissible on a building or anywhere else, let us say. To draft legislation that they are permissible only when a vehicle is not moving is a difficult thing to do.

Mr. CARON: If we had one covering one thing and the other covering loud speakers?



Mr. CASTONGUAY: Well, I have had complaints where loudspeakers were used, but it is so difficult to draft something. If it is permissible if the vehicle is standing still, all the vehicle would have to do would be to drive down the street, stop, then blast away and then drive another 100 yards and stop. It is very difficult to draft this to permit your desire of having the loudspeakers on vehicles permissible if it is parked beside the building.

Mr. CARON: But this is immediately preceding the date of the election. That is what I object to. There is not permission on election day but the day preceding the election, because we are only holding meetings the day preceding the election and the car is outside and it is illegal that way. If it was on the day of the election, that whole section would not apply.

Mr. CASTONGUAY: With my experience of this particular provision, I would suggest either a loud hailer be permissive at any time or at no time on a vehicle, regardless of where the vehicle is.

Mr. BELL (*Carleton*): I do not know that I could agree completely with the chief electoral officer in that. I do not think we want to get to a situation where these loud hailer could be outside any polling booth on election day, blasting away.

Mr. CASTONGUAY: I am not suggesting that.

Mr. BELL (*Carleton*): Well, that is what I understood the chief electoral officer to say—all or nothing.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): It seems to me there is no objection at all to the type of situation which Mr. Caron describes, where a loudspeaker system which is attached to a moving vehicle is used on the day before the election in respect of a meeting which has been regularly scheduled.

Is it possible for us to make an exception, so that on a Saturday night meeting it is not necessary to dismantle the loud speaker from a truck and put it on or fasten it to a building?

Mr. MONTGOMERY: You are referring to meetings the day before an election?

Mr. BELL (*Carleton*): In Quebec, they regularly hold a Sunday meeting after mass. They are a recognized part of the ordinary campaigning technique. I can see no reason in the world why a vehicle ought not to be used outside the church steps after mass in a Quebec community, if that is the practice of the community; but it should be for something that is regularly scheduled and not in indiscriminate use by travelling around the whole community. Certainly it should not be on election day, where these people have them outside polling booths, in a community where you may have ten polls and perhaps have records blasting away all day on behalf of the candidates.

Mr. MONTGOMERY: It would be very objectionable in some places to have these loud speakers on Sunday.

Mr. BELL (*Carleton*): It would be in your riding or mine, Mr. Montgomery; but in Mr. Caron's, it is part of the accepted practice of campaigning. Mr. Paul's is the same.

Mr. CARON: It is practised all over the province on the Sunday before election. They hold meetings on Sunday. As Mr. Bell says, this takes place mostly in the rural parts outside the churches after the high mass. So the only way they have is to have a truck with loud speakers on it and speak from a balcony or something in front of the church. So then, whether we have the right to do so, it is being done just the same. If we just strike out "immediately preceding the date of the election" those who believe they have to hold meetings on Sunday, will hold them anyway.

You see, in your riding it would be impossible to hold a meeting on the Sunday, even if you had the right to do so. If you had the right to do so, nobody would accept the fact of having meetings held on Sunday.

Mr. MONTGOMERY: I would not want to go that far. In the north part of my constituency, I think it could be done.

Mr. BELL (*Carleton*): Well, a candidate in Carleton who held a meeting on Sunday would lose his deposit the day after.

Mr. CARON: For those sections where they hold meetings, if we cut off "immediately preceding the day of the election" and just make it "on the day of the election".

Mr. BELL (*Carleton*): I see no real objection to that, because the real enforcement of the provision in other centres will be public opinion.

Mr. CARON: Yes.

Mr. BELL (*Carleton*): And public opinion in the province of Quebec will sanction the use of this; and in other sections of the country public opinion will see that it is not used.

Mr. CARON: It is something like Sunday sport in Quebec.

Mr. HOWARD: As I understand it, you suggest taking out the words "immediately preceding the day of the election", but this does not overcome the question of using loud speakers attached to buildings on the day of the election, because you are not supposed to put them on an automobile or truck, is that right?

Mr. CASTONGUAY: Very seldom are the complaints on the preceding day with respect to a loud speaker on a building, because there are very few meetings the preceding day—there are none that I know of where you would have automobiles coming in the preceding day with loud speakers going full blast.

Mr. HOWARD: Which is prohibited now.

Mr. CASTONGUAY: Which is prohibited now.

Mr. HOWARD: But it could still be used on a building, regardless of how close to the polling station it is?

Mr. CASTONGUAY: According to this, there is nothing to stop them. I have never had any complaints.

Mr. HOWARD: I thought this was a conflict, that it was possible to use it in one place and not another?

Mr. CASTONGUAY: No, the conflict is that at high mass after church they have the speaker and they can dismantle it from the vehicle and install it at the church building and set it on the ground in order to comply with the provision.

The CHAIRMAN: Is this amendment accepted?

Mr. HODGSON: What is the amendment?

The CHAIRMAN: It is to remove the words "immediately preceding the day of the election and before the closing of the polls on the day of the election", which will have the effect of taking out election day?

Mr. CARON: Just take out the words in the first line on page 215: "the date immediately preceding". That would leave it: "the day of the election".

The CHAIRMAN: Is this agreeable? We can leave this to Mr. Castonguay to do the drafting and come back.

Mr. HOWARD: That would be the best thing, yes.

Mr. AIKEN: Does the following phrase have to come out "and before the closing of the polls on the day of the election"?

Mr. HODGSON: This would mean they would have to scratch them off on the morning of election, but not the day preceding?

The CHAIRMAN: Yes.

Mr. HODGSON: The day preceding is generally Sunday anyway.

Mr. HOWARD: Or put them on with strong glue so you could not get them off.

Mr. HODGSON: There is no sense of a campaign going on after a Saturday night anyway.

The CHAIRMAN: Shall we leave this with Mr. Castonguay?

Agreed.

Subsection (4) "Flags, ribbons or favours not to be furnished or worn".

(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within two days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or to the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.

The CHAIRMAN: Any comment on this subsection (4)?

Mr. BELL (*Carleton*): This used to be eight days and was reduced to two at the last revision.

Mr. CASTONGUAY: That is right.

Mr. HODGSON: Supposing some candidate has a picture, a poster, within a hundred yards of the polling division—he has to tear that down?

Mr. BELL (*Carleton*): No, worn by a person.

The CHAIRMAN: Is this agreed?

Agreed.

Now we come to a most shocking section here:

(5) No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election.

I thought I should read that right into the record. Any comment on subsection (5)?

Mr. CARON: Only the blind pigs are open.

Mr. HOWARD: And that is only in one province.

Mr. CARON: No, all over.

Mr. BELL (*Carleton*): I guess the real enforcement of this is under provincial law. There probably might be a question whether it is ultra vires the parliament of Canada. I think we should leave it as it is.

The CHAIRMAN: Agreed.

Agreed.

Subsection (6)—Agreed.

Agreed.

All right, we will leave subsections (1), (2), and (3), with Mr. Castonguay. Now that election day is over we will move to the counting and reporting of votes, section 50. I may say since the committee started its meetings a letter has come in on this subject and is tabled with the committee.

Mr. BELL (*Carleton*): What is that, Mr. Chairman?

The CHAIRMAN: The suggestion was that the British system of counting be adopted here in Canada.

Mr. BELL (*Carleton*): Centralize it, or centralized counting?

The CHAIRMAN: So one would not know from what polls they came.

Mr. BELL (*Carleton*): From what source came such a suggestion?

The CHAIRMAN: From Dr. C. P. Wright of Ottawa.



Mr. HODGSON: I think we had better leave it alone.

The CHAIRMAN: Mr. Castonguay, any comments?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Section 50, any comment on the operation of section 50?

Mr. CASTONGUAY: None whatsoever.

The CHAIRMAN: Has any member any comment or any question on this?

(4) If, in the course of counting the votes, the deputy returning officer discovers that he has omitted to affix his initials to the back of any ballot paper, as provided by subsection (2) of section 36 and subsection (1) of section 45, and as indicated in Form No. 35, he shall, in the presence of the poll clerk and the agents of the candidates, affix his initials to such ballot paper, and shall count such ballot paper as if it had been initialled by him in the first place, if he is satisfied that the ballot paper is one that has been supplied by him and that such an omission has really been made, and also that every ballot paper supplied to him by the returning officer has been accounted for, as provided by paragraph (d) of subsection (1); nothing in this subsection relieves the deputy returning officer from any penalty to which he may have become liable by reason of his failure to affix his initials on the back of any ballot before handing it to the elector.

Mr. AIKEN: In connection with subsection (4), has there ever been any complaint to the Chief Electoral officer with regard to ballots which have not been initialled by the deputy returning officer?

Mr. CASTONGUAY: There have been complaints, but not of a serious nature. I think there are more errors of omission than anything else. If you have 50,000 deputy returning officers you are bound to have some who are going to forget to initial.

Mr. AIKEN: What method should the deputy returning officers use when deciding that this is a properly cast ballot which was provided by him? Would he have to open the ballot?

Mr. CASTONGUAY: He empties the boxes at night when the polls close. He has the ballots in front of him and he determines whether it is ballot paper supplied by us. That is easy, because all our ballot paper has a watermark right through it in this square. You can see it in this one (*demonstrating*). It is easily identifiable; and the one case we know of where counterfeit ballots were used they were easily detected by the deputy returning officer.

Mr. BELL (*Carleton*): Considering the army of unskilled election workers, the marvel is the rather strict compliance there is with the terms of the section.

Mr. CASTONGUAY: I have examined the returns and I am rather pleased actually with the work of the deputy returning officers.

Mr. BELL (*Carleton*): To what extent is there use of subsection (11), that is, the return of ballot boxes by parcel post.

Mr. CASTONGUAY: A great deal of that is done in the rural areas. To what extent I cannot say authoritatively, but I think a great deal of it is done. If the writs are made returnable two months after polling date, there is use of it to a great extent. If they are made returnable in 30 days, like after the last election, we take steps to have them collected by messenger.

Mr. BELL (*Carleton*): The Chief Electoral Officer has taken steps to require the deputy returning officer to telephone or telegraph the results of the poll to the returning officer?

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): I assume that he feels that it is best to leave that as a matter of instruction and not as a matter of statute?

Mr. CASTONGUAY: Very much so, because I think it is working satisfactorily. It is a public service. I have not had any complaints from anyone as to the working of this particular operation, and I think it is better by instruction if the committee should support me on it.

Mr. BELL (*Carleton*): You see no point in making it a matter of statute?

Mr. CASTONGUAY: No, unless you have a Chief Electoral Officer who objects to this practice.

Mr. BELL (*Carleton*): To what extent is there cost involved?

Mr. CASTONGUAY: Not very much. I do not think the cost would be more than \$6,000 or \$7,000 on the whole picture.

Mr. BELL (*Carleton*): I think it is a most satisfactory system. Since the Chief Electoral Officer has put it into effect it has been working out very well.

The CHAIRMAN: Anything further on section 50? Are we agreed?

Agreed.

Section 51—Safekeeping of ballot boxes. Any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: The only comment I would like to make is on subsection (6) and I would like to bring to the attention of the committee the legislation of the U.K. parliament on this question. I do not know of a returning officer who does not, sort of, lose a night's sleep throughout the period of election wondering whether he will have a tie vote, and if he had to cast a deciding vote, how he would handle it. The British brought out some very good legislation on this.

There have been only two cases where the returning officer had to make the deciding vote. But in Britain it is decided by lot, and whether that is acceptable to the committee I do not know. Here is the provision—

Mr. BELL (*Carleton*): I would think so far as I would be concerned, despite the desirability of having returning officers receive their rest, it is a responsibility that they undertake when they assume the post. I think they should accept and use that responsibility rather than have it on a basis of the drawing of lots, which in effect is a complete gamble and not the exercise of any duties on the part of anyone.

Mr. AIKEN: I wonder if any thought has ever been given to leaving the deciding vote until after a recount? I believe, that in most cases on a recount, there are sufficient alterations in the voting that the casting of the deciding vote by the returning officer is an unnecessary formality. In most cases where it is sufficiently close that the returning officer has to cast the deciding vote, I would think the chances are 99 out of 100 that a recount would be requested, which would make the official ballot by the returning officer an unnecessary onus. I wonder if the chief electoral officer can comment on that?

Mr. CASTONGUAY: There have been two only. The year 1891 there was one, and 1935 was the other case. In both cases the returning officer cast the deciding vote and a subsequent recount did not require any deciding vote by the returning officer.

Mr. BELL (*Carleton*): Did the recount decide in favour of the candidate for whom the returning officer's vote was cast?

Mr. CASTONGUAY: Yes, in both cases.

Mr. AIKEN: Perhaps it could be amended to "after the time for a recount has expired", and then the returning officer could vote.

Mr. CASTONGUAY: The British provision reads like this:

14(1) Where, after the counting of the votes by a returning officer (including any recount) is completed, an equality of votes is found to exist between any candidates at a parliamentary election in any constituency, and the addition of a vote would entitle any of those candidates

to be declared elected, the returning officer shall not be entitled to cast a vote but shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Mr. AIKEN: That would cover the situation very well here, because it would relieve them of the onus, which is unnecessary in any case.

Mr. CASTONGUAY: I only bring this up from the point of view of the returning officer.

Mr. HOWARD: Perhaps I can ask Mr. Castonguay if this has happened on election night, that there is a deciding vote required?

Mr. CASTONGUAY: There could not be on election night; that is not an official count.

Mr. HOWARD: Following the recount then, if it goes through on the basis of including the returning officer's vote and there is still a tie?

Mr. CASTONGUAY: He has to cast another deciding vote.

Mr. HOWARD: Any way, I could get two votes on a system like that?

Mr. BELL (*Carleton*): Is his deciding vote used at the time of the recount?

Mr. CASTONGUAY: Yes, it is used at the time of the recount by the judge.

Mr. MONTGOMERY: It has never occurred that he has had to vote a second time?

Mr. CASTONGUAY: No, there have been two occasions only at federal elections. The fact that there are so few did not necessitate my bringing it up, but I brought it up because my returning officers think their positions would be untenable in the constituency if they had to cast a deciding vote.

Mr. HOWARD: I doubt it very much.

The CHAIRMAN: Well, what is our disposition of this section?

Mr. AIKEN: If the suggestion of the English system were adopted, would there be any great difficulty in re-instructing the returning officers?

Mr. CASTONGUAY: No.

Mr. AIKEN: It would then be a reasonably simple matter merely to amend this section to say that in the case of an equality, then the candidates should be selected by lot?

Mr. CASTONGUAY: It would be very simple to copy the British legislation and bring forward a suitable amendment if the committee wishes. I just want this brought to the committee's attention.

Mr. HODGSON: It has happened where the returning officer's vote has elected a candidate?

Mr. CASTONGUAY: No.

Mr. HODGSON: In 1931.

Mr. BELL (*Carleton*): What are the two that happened?

Mr. CASTONGUAY: Brome and Chapleau, 1899 and 1935.

Mr. BELL (*Carleton*): There could be in a provincial election.

Mr. CARON: We had one at Bastien and one at David, and one for the present Minister of Agriculture.

Mr. HODGSON: That is provincial too?

Mr. CARON: Yes.

Mr. HODGSON: I think we had better leave it alone.

Mr. BELL (*Carleton*): Personally, I think it should stand as is, so members of parliament are elected on the judgment of someone and not by a device which does not resemble gambling.



Mr. CARON: You mean you do not like gambling?

The CHAIRMAN: Is it the wish of the committee that the section stand as it is?

Agreed.

The CHAIRMAN: Section 52—"adjournment if ballot boxes are missing". Any comment on that, Mr. Chief Electoral Officer?

Mr. CASTONGUAY: No comment.

52. (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.

The CHAIRMAN: Members of the committee?

Mr. AIKEN: I have a comment. One of the first instances of a person being called before the bar of the House of Commons came in the electoral district of Muskoka, where the ballot boxes were in fact lost in the river during the crossing and never were returned to the returning officer. For the returning officer to declare a candidate elected, it resulted in some difficulty. I do not know what would happen now if this situation should occur, if the ballot boxes were lost.

Mr. CASTONGUAY: Well, the procedure is now that he summons the deputy returning officer and the agents at the poll, and the poll clerk, and he establishes the votes cast in that poll. On the basis of the information he can get from those sources, he declares the candidate elected.

Mr. CARON: It seems it would work very well, because at the poll all the agents have the figures when they come out; and, even if the box is lost—well, with the figures by each agent and the returning officer and deputy returning officer, they can make out pretty well what is the number of votes.

Mr. CASTONGUAY: We have had no insurmountable problems on this particular provision. I think the procedure is good.

Mr. BELL (*Carleton*): The only problem I have probably relates more to section 51 than section 52, and that is where a statement of poll is not found. I think perhaps one of the greatest weaknesses that deputy returning officers have is that they are inclined to put the statement of poll not in the envelope which is provided for it, but rather in with the ballots. I do not know whether there could be anything done in the instructions that would clarify that. Certainly the envelope is there and the instructions I think are clear.

Mr. CASTONGUAY: The instructions are printed on the envelope: "Place the statement in the envelope and not in the box". I think this problem came up more since the adoption of the metal seal on the boxes. It used to be that when we had the padlock the returning officer would open the box and get the statement, and now with the seal they cannot do that. This has come up in the last three general elections. But only in the case of real close elections do you get a conflict as to the results.

Mr. BELL (*Carleton*): I know the Chief Electoral Officer is very conscious of the problem, and if there is anything further that can be done he will do it.

The CHAIRMAN: Anything further on 52?

Agreed.

53. (1) After the close of the election, the returning officer shall cause the empty ballot boxes used thereat, to be deposited in the custody of the officer in charge of a building owned or occupied by the Government of Canada, if any, at the place at which the official addition of the votes was held, or if none, of the postmaster of such place, or of the

sheriff of any county or judicial district, or of the registrar of deeds of any county or registration division, included, or in part included, in the electoral district, or of any other person designated by the Chief Electoral Officer.

(2) Upon delivery to him of such ballot boxes, the custodian shall issue his receipt, in the form prescribed by the Chief Electoral Officer, and transmit or deliver a copy of such receipt to the returning officer.

Mr. BELL (*Carleton*): Generally speaking where are ballot boxes held now?

Mr. CASTONGUAY: They are kept in the federal buildings or court houses in each electoral district. In Ottawa they are kept in our warehouse, but in large electoral districts, in large centres, they are stored in the post offices such as at Toronto and Montreal. We have 4,000 or 5,000 in each of those places.

Mr. BELL (*Carleton*): I think I have discovered why the registrar of deeds and even the sheriff were disqualified from being a candidate and that is because they may have the custody of the ballot boxes.

Mr. CASTONGUAY: It is usually the janitor of the building who has custody of the ballot boxes.

The CHAIRMAN: I do not think we can revert to the section and have the janitor inserted as a man who cannot be a candidate.

Mr. AIKEN: Mr. Chairman, it is my understanding that the returning officer receives an allowance of ten cents a box for looking after the storage of these ballot boxes. Is that correct?

Mr. CASTONGUAY: I would say that over 90 per cent of our boxes are stored in federal or provincial buildings. I must add we also lend our ballot boxes to the provincial governments and to the municipal authorities; so that I think in very few instances do we pay storage. If the rate was attractive we might find we could not find suitable places in the federal or provincial buildings, so we purposely make the rate unattractive for that purpose.

The CHAIRMAN: Anything further on 53?

Agreed.

54. Recount by judge. Any comment on this?

Mr. CASTONGUAY: No comment.

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

The CHAIRMAN: Any member of the committee a comment or suggestion?

Mr. CASTONGUAY: There is a suggestion from the Associate Chief Justice of Montreal with respect to increasing the cost of recounts.

Mr. HODGSON: What is his suggestion? Have you got it there?

Mr. CASTONGUAY: Yes, I have it here. This is the Associate Chief Justice, Superior Court of Montreal, August 27, 1957:—

Dear Mr. Castonguay:

Should the above act be amended, I would suggest that an increased deposit be required in the case of an application for a judicial recount. In my humble opinion \$100 is too low. Three hundred dollars to five hundred dollars would be more like it.

Mr. BELL (*Carleton*): That is Mr. Justice Scott?

Mr. CASTONGUAY: Yes.

Mr. HODGSON: I think they get paid a fair salary and can afford it.

Mr. CASTONGUAY: This is not paid to the judge. It is a court cost to the candidate.

Mr. HODGSON: What cost?

Mr. CASTONGUAY: For court proceedings.

Mr. MONTGOMERY: \$100 would not cover it.

Mr. BELL (*Carleton*): Nor would \$500 probably.

The CHAIRMAN: The judges are not paid salaries for working on a recount.

Mr. BELL (*Carleton*): Has there been any abuse that you have seen of any applications for recount, where really there was no particular grounds for it?

Mr. CASTONGUAY: I hate to imply any ulterior motives to candidates but there have been recounts where the majority has been 1,000. That may be a fishing expedition on the part of the person applying for the recount to examine all documents, to ascertain whether there are grounds to contest an election; but I think the members of the committee will agree that to apply for a recount with a majority of 1,000 is not reasonable.

Mr. BELL (*Carleton*): Once there is an affidavit of a creditable witness to the fact, then it is mandatory upon the judge to conduct the recount.

Mr. CASTONGUAY: I have heard of some judges who would have preferred not to grant a recount.

Mr. BELL (*Carleton*): But they have no option.

The CHAIRMAN: They have an option, but they have felt that morally they should grant it.

Mr. BELL (*Carleton*): Well, "such judge shall... provided there is an affidavit and provided there is a deposit of \$100 then the judge shall grant...".

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): I would be inclined to think that we might raise it somewhat. I do not know what other members of the committee feel—\$200—\$250?

Mr. HODGSON: Well, I guess about everything else has gone up about two and a half times. I would move that it be \$250.

Mr. HOWARD: You would second this, I imagine.

Mr. BELL (*Carleton*): Yes.

The CHAIRMAN: Mr. Hodgson moves, and Mr. Bell seconds, that in subsection (1) "one hundred dollars" be made "two hundred and fifty dollars".

Mr. HOWARD: This is not so in the provinces, is it, or in some of them? I know it is not done in British Columbia. We had a recount in the Skeena provincial in 1953 before a county court judge there. There is an appeal from that, as I recall it, to a superior judge but in any event there were no costs, no deposits, nor anything else—just their request for a recount before the county court judge. Personally, I would be in favour of eliminating the deposit required or the fee for a recount myself. I do not see why the burden should fall



upon the person asking for the recount if he has some doubt in his mind as to the count of ballots. Why do you place the financial burden on him or his supporters in order to determine what is the correct decision of the electors? I think it should be completely free and open. If he feels that a recount is necessary. I will admit at the start for the matter of 1,000 votes this is not an action for calling for a recount, but in a hatful of votes I do not think there should be any differential impediment placed in his way.

Mr. CARON: And who gets the money?

Mr. CASTONGUAY: The court.

Mr. BELL (*Carleton*): In (15) and (16) the judge is entitled to award costs and this deposit is security for costs.

The CHAIRMAN: Anything further?

Mr. AIKEN: Mr. Chairman, I think in deciding this matter that we should follow the same procedure that we did with another section. "The sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada". In a previous section, I do not recall which one now, we deleted the words "in the bills of any chartered bank doing business in Canada" and left it merely "legal tender" and I think we should leave it that way in this section as well.

The CHAIRMAN: Are you agreeable to that?

Mr. CARON: I think Mr. Bell was right in asking the increase, because it says in subsection (16) that if the deposit is insufficient it is the elected candidate who has to pay the difference, and I do not think it should be that way. If he is elected and the other one asks for the recount, it should not be paid by the one who is elected; it should be paid by the one who asks for the recount.

The CHAIRMAN: Mr. Hodgson's motion is that the rate be changed to \$250. All in favour?

Opposed?

Motion is carried.

And that also tidies up the following expression there along the lines of what we did in regard to another section "in the bills of any chartered bank doing business in Canada". It will be amended by changing the "one hundred dollars" to "two hundred and fifty dollars" and striking out from "or" to "Canada".

Anything further with respect to section 54?

Agreed.

Section 55. Procedure if the judge fails to comply.

Mr. BELL (*Carleton*): Has there been any experience at all with the application of this section?

Mr. CASTONGUAY: Not that I know of in my time.

Mr. BELL (*Carleton*): But I suppose it is still necessary?

The CHAIRMAN: Anything further?

Are we agreed?

Agreed.

Mr. MONTGOMERY: The province of Newfoundland is not mentioned? Does that make any difference?

Mr. BELL (*Carleton*): Yes, it is in subsection (c).

The CHAIRMAN: Subsection (c) (1).

Mr. MONTGOMERY: Oh yes.

The CHAIRMAN: Are we agreed then on section 55?

Agreed.

Section 56.—Election return. Any comment on this one?

Mr. CASTONGUAY: No comment, Mr. Chairman.

The CHAIRMAN: Any member of the committee any comment on this? Are we agreed?

Agreed.

Section 57—Penalty for delay, neglect or refusal of returning officer to return elected candidate.

Any experience on this Mr. Castonguay?

Mr. CASTONGUAY: None.

The CHAIRMAN: Are there any comments?

Mr. HENDERSON: We are getting up in the big money here—\$1,500.

The CHAIRMAN: Is there anything further?

Are we agreed?

Agreed.

The CHAIRMAN: Section 58, report of chief electoral officer to Speaker of House of Commons. Have you any comment, Mr. Chief Electoral Officer?

Mr. CASTONGUAY: I have no comment.

Mr. BELL (*Carleton*): There was a small problem raised last year which, while not fully applicable to this section, I think I might mention. The chief electoral officer was in some doubt as to what was his position in laying on the table of the house a report received from a judge of the Superior Court of Quebec which was not received before the commencement of parliament. He felt that he was confined to laying it on the table of the house within 10 days of the commencement of parliament. My understanding is that he received a ruling from the Department of Justice that that was not the case. I never understood fully what happened. Is it clear, or should there be a ruling of the Department of Justice, or a statutory declaration, to make clear that reports received from investigating tribunals may be laid before Parliament as soon as received.

Mr. CASTONGUAY: The Department of Justice completely clarified it. I can make a report any time.

Mr. BELL (*Carleton*): And hereafter the practice would be to lay it before parliament immediately upon its receipt.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): And you see no need now, in the light of that, to have it made statutory.

Mr. CASTONGUAY: No.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 59, chief electoral officer to retain election documents.

Have you any comment on this?

Mr. CASTONGUAY: I have no comment.

The CHAIRMAN: Have members of the committee any comments?

Is it agreed?

Agreed.

The CHAIRMAN: Section 60, fees and expenses of election officers. Have you comments on this?

Mr. CASTONGUAY: I have no comments.

Mr. BELL (*Carleton*): There was an increase in the fees allowed deputy returning officers before the last election, I believe.

Mr. CASTONGUAY: There was one before the 1957 election and also before the 1958 election.

Mr. BELL (*Carleton*): There were two increases?

Mr. CASTONGUAY: Yes.

Mr. HODGSON: What do they receive now?

Mr. CASTONGUAY: \$18.

Mr. HODGSON: What was it before that?

Mr. CASTONGUAY: \$15. It was \$12 for a poll clerk. I still feel the deputy returning officers are underpaid.

Mr. BELL (*Carleton*): Underpaid?

Mr. CASTONGUAY: Yes; a conscientious deputy returning officer. You have extended the time an hour now, and previously he worked from 8 to 6. It takes him an hour to get to the poll and he is busy a couple of hours after the poll closes. That is 13 hours on election day. Then he has to get the ballot box prior to election day from the returning officer. If he is conscientious at all he has to open the box and read the instructions; this would involve another 3 or 4 hours. I feel that a conscientious D.R.O. puts in at least 20 hours. In my estimation he receives less than \$1 an hour. I think you can barely get somebody to cut your grass for \$1 an hour now.

Mr. CARON: He should be paid at least as much as a carpenter.

Mr. CASTONGUAY: He has the responsibility for the poll. I am not yet satisfied with the present rate, but you must remember if you increase the allowance for a D.R.O. and bring him up to \$20, that is \$90,000; there are 45,000 D.R.O.'s.

Mr. HODGSON: In my own riding at the last election we had difficulty in a couple of places in getting anybody to take the job. At one place we had to bring in a D.R.O. from another poll. It was in a mining area and anybody there who was working was earning \$20 or \$25 a day and did not feel like going off to do this job.

Mr. BELL (*Carleton*): I think we must not lose sight of the fact that flowing from any increase to D.R.O.'s there would be an increased cost of elections to candidates, because the scales which are set for D.R.O.'s are scales which other people think should be emulated in respect of them.

Mr. CASTONGUAY: I merely recommend these rates to the governor in council. The figure as yet is not the final figure.

Mr. HODGSON: If you raise the D.R.O.'s you also have to raise the others.

Mr. HOWARD: And the chief electoral officer.

Mr. CASTONGUAY: Not under this section.

Mr. AKEN: Mr. Chairman, really we do not have to make any decision on this particular matter, because this is merely a setting of tariff by the governor in council.

The CHAIRMAN: Yes. Is there anything further on section 60?

Mr. MONTGOMERY: I suppose Mr. Castonguay would like to have the opinion of the committee. I feel that in rural areas, especially in the maritimes, that the D.R.O. is tickled to death to get \$18.

Mr. BELL (*Carleton*): Hear, hear.

Mr. MONTGOMERY: I do not think there has been any kicking. Have you heard of any?

Mr. CASTONGUAY: No. It is not difficult to set a tariff for one province only. In 1920, we had a differential tariff in respect of mileage. A certain province was allowed so much a mile and it was different in others. This was removed. You must remember that in the maritimes they might be happy with \$18, but



in other areas it is very difficult to get people for \$18. When you recommend a tariff you have two ways of approaching it; either you set a national tariff, which I think is the best way, or break it down into a separate tariff for each province and the person who does that I think should get ready to go to Siberia because it would be hard to justify the rates—a person in Newfoundland would think that he is worth as much as a person in British Columbia.

Mr. MONTGOMERY: I think the people in these areas would feel that the government is pretty extravagant. I feel there would be more disadvantage in respect of the criticisms of extravagance than there would be advantage in respect of aiding one or two people.

The CHAIRMAN: You do not think an increase is necessary?

Mr. MONTGOMERY: No.

The CHAIRMAN: Are we agreed to section 60?

Agreed.

The CHAIRMAN: Section 61, taxation of accounts.

Is there any comment on that?

Agreed.

The CHAIRMAN: Section 62, official agent and election expenses of candidates.

Mr. CARON: May we delay this section?

Mr. BELL (*Carleton*): And start out afresh.

Mr. HOWARD: That would be a most sensible approach.

The CHAIRMAN: Then tomorrow morning we will start off with section 62. I suppose, in effect, we are giving ourselves a bit of a holiday today. I wonder if we should adjourn our labours right here.

Mr. AIKEN: I think this is a good place to adjourn.

The CHAIRMAN: It is Victoria day after all and I suppose this committee could celebrate by giving itself 10 minutes off.

I would like the committee to be prepared at a subsequent meeting to give some attention to the *Canadian forces voting regulations*.

Mr. BELL (*Carleton*): I understood Mr. Castonguay had a preliminary draft in relation to that. Would it be wise to have it distributed now?

The CHAIRMAN: That is being done.

Mr. BELL (*Carleton*): It might be made a part of today's proceedings.

The CHAIRMAN: The proposed amendments are as follows:

#### AMENDMENTS TO THE CANADIAN FORCES VOTING REGULATIONS

Paragraph 9 of the Canadian forces voting regulations in schedule three to the said act is repealed and the following substituted therefor:

"9. The chief electoral officer shall, whenever deemed necessary for the purpose of these regulations, appoint six persons to act as scrutineers in the headquarters of each special returning officer; ...of such six scrutineers shall be nominated by the leader of the government, ...by the leader of the opposition, and ...by the leader of the political group having a recognized membership in the House of Commons of ...or more; each scrutineer shall be appointed in form No. 3, and shall be sworn according to the said form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him in these regulations; the tenure of office of a scrutineer ceases immediately after the counting of the votes has been completed."

Nominating,  
appoint-  
ment, oath  
and tenure  
of office of  
scrutineers.

The said regulations are further amended by adding thereto paragraph 9A.

Nominating,  
appoint-  
ment, etc.,  
of additional  
scrutineers.

"9A. When, after the date of the issue of the writs ordering the general election, it appears that the number of scrutineers provided in paragraph 9 is not sufficient, the chief electoral officer shall appoint the additional number of scrutineers required; such additional scrutineers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in paragraph 9; every such additional scrutineer shall be appointed and sworn as prescribed in the said paragraph."

Paragraph 49 of the said regulations is repealed and the following substituted therefor:

Nominating,  
appoint-  
ment, and  
oath of  
office of  
deputy  
special  
returning  
officers.

"49. For the purpose of taking the votes of veteran electors at the general election, the chief electoral officer shall appoint six persons to act as deputy special returning officers in each voting territory; . . . of such six deputy special returning officers shall be nominated by the leader of the government, . . . by the leader of the opposition, and . . . by the leader of the political group having a recognized membership in the House of Commons of . . . or more; each deputy special returning officer shall be appointed on form No. 11, and shall be sworn according to the said form No. 11, before a special returning officer, or a justice of the peace, or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him in these regulations."

Paragraph 87 of the said regulations is repealed and the following substituted therefor:

Procedure  
on with-  
drawal of  
candidate.

"87. Where after nomination day a candidate withdraws, the chief electoral officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every deputy returning officer designated by him to take the votes of Canadian forces electors of such withdrawal, and such deputy returning officer or the deputy special returning officers shall inform the Canadian forces electors or veteran electors concerned as to the name of the candidate who has withdrawn when such electors are applying to vote; any votes cast by Canadian forces electors or veteran electors for a candidate who has withdrawn are null and void."

The CHAIRMAN: Tomorrow at 9:30 we shall begin by considering section 62. We will not be ready with the suggested amendments which we discussed today.

If there is nothing further there is no reason why the committee should not adjourn.

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament  
1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 14

---

TUESDAY, MAY 24, 1960

---

Respecting

CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

TUESDAY, May 24, 1960.  
(16)

The Standing Committee on Privileges and Elections met at 9.43 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Caron, Grills, Henderson, Hodgson, Howard, Kucherepa, Macquarrie, McGee, Montgomery, Paul and Pickersgill—(13).

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee continued its consideration of the provisions of the Canada Elections Act.

*On Section 62:*

The Chief Electoral Officer read extracts from the United Kingdom Elections Act, respecting expenses of candidates for election. Discussion followed.

Subsections (1) to (6) were adopted.

Subsection (7) was amended to read as follows:

“(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than *twenty-five* dollars, be vouched for by a bill stating the particulars and by a receipt.”

Subsection (7) as amended, was adopted.

Subsections (8) to (18) inclusive were adopted.

The Section, as amended, was adopted.

*Sections 63, 64 and 65* were adopted.

*Section 66* was considered and allowed to stand.

At 11.00 a.m. the Committee adjourned until 9.30 a.m., Thursday, May 26, 1960.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

TUESDAY, May 24, 1960.

The CHAIRMAN: Gentlemen, we will turn our attention to section 62, which is found on page 230. Has any member of the committee any comments on this?

Mr. HOWARD: Yes. Under this I would like to throw out the general thought and not argue the matter too much, but I am of the opinion that perhaps this is the section where we should deal with some limit in the amount of campaign expenditures, either a total limit or an amount limited to the number of the names that are on the voters' list, or something of that nature.

I understand in England there is a system such as this, which places a ceiling on candidates' expenditures. I wonder then if I might ask Mr. Castonguay, if he has this available, if he could give the committee an indication of what exists in the United Kingdom?

Mr. NELSON CASTONGUAY (*Chief Electoral Officer*): I have the Representation of the People Bill of the United Kingdom here. In relation to your question, the limitation is as follows:

32. (1) (a) in relation to an election in a county constituency, four hundred and fifty pounds together with an additional penny halfpenny for each entry in the register of parliamentary electors to be used at the election;

(b) in relation to an election in a borough constituency, four hundred and fifty pounds together with an additional penny for each such entry as aforesaid;

Provided that, if the said register is not published before the day of publication of the notice of election, then for any reference in this subsection to an entry in the register there shall be substituted a reference to an entry in the electors lists therefor as first published which gives the name of a person appearing from those lists to be entitled to be registered.

(2) The said maximum amount shall not be required to cover the candidate's personal expenses as defined in the said act, but shall cover the whole of any fee paid to the candidate's election agent.

It is quite extensive here. They have other provisions for official agents. I do not know if the committee would wish me to read them. This is the basic limitation, but there are quite a few sections dealing with it.

Mr. BELL (*Carleton*): This is the basic one. Is that not sufficient for our purposes?

Mr. HOWARD: I think so.

Mr. CASTONGUAY: If you would like me to read the whole section I will do so.

Mr. HOWARD: No, I do not think it is necessary.

Mr. BELL (*Carleton*): It has not covered the matter of the candidate's personal expenses. Is there any limit on that, as there is in our act?

Mr. CASTONGUAY: I have not that particular section of the act. Then they deal with the candidate's right to send election addresses post free:

33. (1) A candidate at a parliamentary election shall, subject to regulations of the Postmaster General, be entitled to send free of any charge for postage to each elector one postal communication containing matter relating to the election only and not exceeding two ounces in weight.

And they define a candidate. Then he also has the right to use certain schools:

34. (1) Subject to the provisions of this section, a candidate at a parliamentary election shall be entitled for the purpose of holding public meetings in furtherance of his candidature to the use at reasonable times between the receipt of the writ and the date of the poll of—

(a) a suitable room in the premises of any school to which this section applies;

(b) any meeting room to which this section applies.

(2) This section applies—

(a) in England and Wales, to county schools and voluntary schools of which the premises are situated in the constituency or an adjoining constituency; and

(b) in Scotland, to any school of which the premises are so situated, not being an independent school within the meaning of the Education (Scotland) Act, 1946:

but a candidate shall not be entitled under this section to the use of a room in school premises outside the constituency if there is a suitable room in other premises in the constituency which are reasonably accessible from the same parts of the constituency as those outside and are premises of a school to which this section applies.

And then there is the use of committee rooms in schools. That is the same. And then election propaganda:

36. (1) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary election, use, or aid, abet, counsel, or procure the use of, any wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of arrangements made with the British Broadcasting Corporation for it to be received and retransmitted by that corporation.

(2) No person shall for the purpose of promoting or procuring the election of any candidate at a parliamentary election issue any poll card or document so closely resembling an official poll card as to be calculated to deceive.

These are the general provisions of the British act.

Mr. PICKERSGILL: I wonder if I can ask the chief electoral officer if he knows if there are any regulations or laws in the United Kingdom limiting the total expenditures of political parties?

Mr. CASTONGUAY: I know of no such law.

The CHAIRMAN: Have any other members a question?

Mr. MCGEE: If the committee is interested in some information I dug up in the United States over the Easter recess, there is an outfit down there called the American Heritage Foundation which deals with matters patriotic. In their campaigning from time to time and in the 1958 campaign they had a program for which the slogan was "Don't pass the buck; give a buck to

your party." This was taken up by the American association of advertisers and carried in all the major media as a public service by the advertising association.

There are conflicting reports as to just how much was raised. The idea was, when your party representative calls you give him a buck or a small contribution. The reports varied, but as far as I could gather the net result of this was approximately \$15 million being used for both the Republican and Democratic parties, and, of course, smaller amounts for some of the independent groups.

I have not been able to see where in the act we can do anything to facilitate this, but it seems to me it is an encouraging development which they are going to repeat this year. They are starting their program next month for the November election, and expect to raise a larger amount at that time.

The CHAIRMAN: Any other comment on this section?

Mr. HOWARD: I am of the opinion that we should do something similar here. I know it is not too much use in placing a limit on the expenses within a district or a limit on the candidate's expenditures if it is sort of wide open at the party level, because what you overcome in one instance you allow to run free and rampant in the other. It is like filing election day returns of expenses. The candidate is required to file, or the official agent, what the money is spent on and where it is derived from, and yet at the national or provincial party level such a statement is not required. Conceivably, the objective for having the candidate or official agent file those expenses, or the reason for it, is got around by not having a similar obligation on the party itself. I think somewhat the same thing can exist with respect to campaign expenditures. If you place a limit on them, say a set amount plus so much a name, or an amount of so much a name on the voters' list, it does not matter too much.

I think unless we tackle both at the constituency and the national party level, we would not be reaching towards the goal, which I for one want, of having some limit placed on the amount of money that is spent in an election.

Mr. BELL (*Carleton*): Do you not have to go farther than that to be realistic? Do you not have to place limitations on independent organizations' money spent either on behalf of the party or the candidate?

Mr. HOWARD: Yes, I think so.

Mr. BELL (*Carleton*): Then you get into complexities.

Mr. HOWARD: You get into all sorts of complications, and that exists. For argument sake we will say you are not supposed to spend money on certain things—to put a tested argument or an individual one, to spend money for certain things that the official agent or the candidate knows nothing about—this could occur and I am sure it occurs now.

Mr. PICKERSGILL: I must say I have the greatest possible sympathy with the objective Mr. Howard has in mind. I think that elections of every kind cost far too much, and they are costing more in every election. It is really becoming a serious problem for our democracies. But I am doubtful about the wisdom of attempting to deal with this problem piecemeal, particularly in the constituency, and putting a still further onus upon parliamentary candidates, unless there is a really effective restriction against the spending of money in constituencies or on behalf of a constituency by anybody else.

In addition to the national political parties and the independent organizations which you might want to influence in an election, I think one would also have to keep in mind that there would have to be, to make this thing effective, a restriction or a prohibition upon provincial political parties, because nothing would be easier, particularly in some provinces, than to have an actual organization which complies with the federal law, and have some of these provincial



organizations which are reputedly very well heeled, getting out before a federal election and simply taking over and deciding to a large extent who would be elected to the parliament of Canada.

I think it is a very real problem that we are going to have to tackle if we are going to have proper representative institutions. I think all parties spend far too much. They are going to spend far more next time. It is really getting to be a very serious abuse.

The CHAIRMAN: Are there any other comments on this section?

Mr. BELL (*Carleton*): I gather Mr. Pickersgill is of the view that this would have to be tackled separately from this, and perhaps through the technique once suggested in 1938 by the Hon. C. G. Power, who at one time personally submitted a completely separate bill, which was known as the 'political purity bill'. This covered all the aspects of this question and would have been distinct from the rather limited sections we have here. That is Mr. Pickersgill's view. It certainly is mine, too; but I think the complexity of this matter is so great that we cannot do it under these particular sections.

Mr. HOWARD: But within the act somewhere we could cover much of the problem.

Mr. BELL (*Carleton*): Well, in order to cover it effectively, it would involve an act almost as substantial as the elections act itself. If my friend, Mr. Howard, would read Senator Power's bill, he would find that it is a bill almost the size of the elections act.

Mr. PICKERSGILL: I think one thing I would feel after 20 odd years' experience since that bill was introduced is that perhaps the emphasis which at that time was rather on contribution, should be on expenditures which are perhaps easier to discern, easier to prevent and easier to punish if they are not properly made. Without having an exclusion, which I do not think we want, there are so many ways in which contributions can be made, with great difficulty in tracing them; whereas, effective expenditures,—apart from straight bribes which I doubt are very effective in very many cases or very many places—effective expenditures are very obvious and visible. If you make an offence, expenditures of a certain amount by certain people, then there is some way of dealing with it. I understand that has been the approach in the United Kingdom, because my recollection is that after the amendment was made to the law there after the war, everyone was exceedingly careful about any kind of publication calculated to influence electors.

The CHAIRMAN: Anything further on section 62?

Mr. PICKERSGILL: I wonder if we should not go through this subsection by subsection, because I know from my personal experience this is one of the most troublesome sections of the whole act, simply knowing how to comply fully with it. I have no real problem in my riding at all.

The CHAIRMAN: Well, if that is the wish of the committee we can take it up *seriatim*.

Subsection (1)—"appointment of official agent". Anything on that?

62. (1) Every candidate shall appoint an official agent, in this act termed "the official agent", whose name, address and occupation shall be declared to the returning officer, in the nomination paper in form No. 27, by or on behalf of the candidate, on or before nomination day and shall be published in the notice of grant of a poll in form No. 30.

Mr. PICKERSGILL: Why do we have to know this occupation? The argument has been made for the candidate, but I cannot see any special reason why the official agent should be the same.

Mr. BELL (*Carleton*): Surely the same reason applies. You may have a number of John Smiths.

Mr. PICKERSGILL: But you are not electing them.

Mr. BELL (*Carleton*): But it is good that the public should know who the official agent is, which of maybe several John Smiths it might be.

Mr. PICKERSGILL: Well, I am unimpressed, but I do not think it is very important.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Subsection (2)—“case of death or legal incapacity of official agent”. Any comments on that? Agreed?

Agreed.

The CHAIRMAN: Subsection (3)—“election officers ineligible as official agents”. Agreed?

Agreed.

The CHAIRMAN: Subsection (4)—“no payment to be made except through official agent”.

62. (4) Subject to the subsequent provisions of this section, no payment and no advance or deposit shall be made before, during or after an election by a candidate or by any agent on behalf of a candidate or by any other person, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the official agent; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as contribution, gift, loan, advance, deposit or otherwise, shall be paid to the official agent and not otherwise; this subsection shall not be deemed to apply to payment

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding two thousands dollars, or

(b) by any person, out of his own money for any small expense legally incurred by him, if no part of the sum so paid is repaid to him.

Mr. BELL (*Carleton*): The figure of \$2,000 for a candidate's personal expenses was put in there at the last revision. It was raised at that time from \$1,000 to \$2,000?

Mr. CASTONGUAY: Yes.

Mr. HODGSON: Could you explain what that might be?

Mr. CASTONGUAY: It is the candidate's personal expenses, such as hotels and living expenses, but not the hiring of halls. They are defined also in the interpretation section at page 153, subsection (25).

Mr. HODGSON: What page?

Mr. CASTONGUAY: Page 153.

Mr. MCGEE: Was any attempt made at that time to reconcile the obvious problem of, say, a candidate in the Yukon, where the only way he could get around his constituency was to fly,—or somebody like Gus, here, with fabulous distances to go?

Mr. CASTONGUAY: That was the reason it was raised, I think, from \$1,000 to \$2,000.

Mr. CARON: Nobody could travel in a big county for \$2,000 if he had to use an airplane all the way through.

Mr. PICKERSGILL: But it does not need to be covered, does it, out of the candidates' own expenses?

Mr. CASTONGUAY: No.

Mr. MCGEE: Could he write off some of that under other expenses?

Mr. PICKERSGILL: The official agent pays for the travel. It is perfectly legal, as I understand it. It seems to me a restrictive interpretation of the act, but I would be interested in what the chief electoral officer had to say about this. Every meal you have in the constituency you pay for during the election campaign, apart from the ones you have in your own home. I must confess I have had some difficulty, after paying for a \$1 meal here and a \$1 there and not thinking of getting a receipt and having difficulty fabricating something that looks like an accurate account.

Mr. CASTONGUAY: That is correct; but if you read subsection (25), you would have to put down the cost of the meals other than the ones you have in your residence.

Mr. PICKERSGILL: I did not even realize that through the whole of my first election.

Mr. MCGEE: I may be dense, but it says here he is limited to \$2,000, and he can recover that or somebody else can pay for that under another section; what is the point of having this here? In other words, if it goes beyond the \$2,000 limit for the most obvious reason in the world when you have a constituency that can only be covered by aeroplane, I do not see the point in this, if you can just walk right by it.

Mr. PICKERSGILL: I think the point of this is that a candidate cannot come in and spend \$25,000 of his own money to ensure his own election.

Mr. BELL (*Carleton*): And call it personal expenses?

Mr. PICKERSGILL: Yes.

Mr. MCGEE: This is an important point. We have had examples in recent years where I understood one candidate at least was reported to have spent \$75,000, and was defeated. Part of the reason was that the electors did get the idea this was just what was going on, the man was trying to buy himself a constituency and the reaction against that destroyed any benefit from it.

Mr. CASTONGUAY: One candidate lost an election for failing to report the cost of an orchestra at \$60 and \$20 for sandwiches. The election was contested on those grounds and it was declared null and void, and the Supreme Court of Canada upheld that declaration. He lost the election by failing to report \$60 for an orchestra and \$20 for sandwiches.

Mr. PICKERSGILL: The \$20 for sandwiches would be a serious offence.

Mr. CASTONGUAY: It was a legitimate expense, and the orchestra was a legitimate expense, but the election was declared null and void because he failed to report it in his election expenses.

Mr. PICKERSGILL: That was because he did not report it?

Mr. CASTONGUAY: Yes.

Mr. PICKERSGILL: Actually, a candidate is taking an awful risk if he has an elector come and have a meal in his own home during the election.

Mr. BELL (*Carleton*): That is under section 66.

Mr. PICKERSGILL: Some of these regulations, I think, are unnecessarily ridiculous.

Mr. KUCHEREPA: On page 153, would the chief electoral officer give us an explanation of what is meant by "all other expenses" or what is his interpretation of that phrase in the second last line, in addition to what has been explained previously?



Mr. CASTONGUAY: All other expenses of a similar nature for travelling. The whole emphasis there is for his living expenses while travelling.

Mr. KUCHEREPA: What else does it cover, though—postage, mail and, say, transportation?

Mr. CASTONGUAY: Quite frankly, I do not know.

Mr. PICKERSGILL: If you wreck a motor car and have to replace it.

Mr. MCGEE: How about sinking a ship?

Mr. PICKERSGILL: The insurance company looks after that.

Mr. CARON: According to that, if the expense is made by somebody else who is not the agent or the candidate the portion that is over that expense the candidate is held responsible for all those expenses, even if he does not know anything about it. We can see in subsection (6) that the last line seems to show that:

—does not relieve him from the consequences of any corrupt or illegal practice having been committed by his agent.

Mr. KUCHEREPA: That is his official agent.

Mr. CARON: Yes.

Mr. KUCHEREPA: Going back a little further, in paragraph (b) of subsection (4), what is the interpretation put on this phrase by the chief electoral officer, "any small expense"?

Mr. CASTONGUAY: I must hasten to inform the committee that I never have given a ruling under this section, nor has the Department of Justice, because we do not think it comes within our jurisdiction to do so. My reply to all questions put to me during elections is merely that the persons should consult their own solicitors with respect to this section.

The CHAIRMAN: Anything further on subsection (4)?

Mr. CARON: I wanted to know, is it a fact that we can be held responsible for expenses made by somebody else?

Mr. CASTONGUAY: No.

Mr. CARON: Is it stated clearly?

Mr. CASTONGUAY: It is in here.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Subsection (5).

Mr. CASTONGUAY: I think if you look at subsection (13), on page 232, that will answer your question.

The CHAIRMAN: We will come to that. Subsection (5)—agreed?

Agreed.

The CHAIRMAN: Subsection (6).

Mr. MCGEE: Carried.

Mr. PICKERSGILL: You are in too big a hurry. Some of the rest of us cannot read as fast as you can.

The CHAIRMAN:

(6) A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election is not enforceable against a candidate unless made by the candidate himself or by his official agent or by a sub-agent of the official agent thereto authorized in writing; but inability to enforce such contract against the candidates does not relieve him from the consequences of any corrupt or illegal practice having been committed by his agent.

The CHAIRMAN: Anything on subsection (6)?

Mr. MONTGOMERY: I take it, Mr. Chairman, that a candidate after he was elected, his election could be declared void under this section, is that right? While he might not be legally liable to pay the bill, if somebody entered into a contract he might not know anything about.

Mr. CASTONGUAY: I think this subsection (13) will take care of that.

The CHAIRMAN: Anything further on subsection (6)?

Mr. CARON: Yes. According to that article, if our official agent goes overboard we can be held responsible for that even if we do not know anything about it. Because we nominate somebody to be our official agent and he sometimes forgets to read the law and goes and makes an expense without consulting anybody, then we can be held responsible for that. That is why I think the candidate should be a little protected on this.

Mr. KUCHEREPA: Subsection (6) is more than an official agent. It is a sub-agent too.

Mr. CARON: Anybody who is acting for the candidate.

Mr. BELL (*Carleton*): The sub-agents too are authorized in writing. I do not think I would agree with Mr. Caron in extending the protection that he seeks. The whole structure is to have an official agent who is a responsible person and who will handle this aspect. I think there should be affixed to the candidate responsibility for the actions of the official agent. If it is not, then it makes a mockery of the whole situation.

The CHAIRMAN: Anything further? Are we agreed?

Agreed.

The CHAIRMAN: Subsection (7)

(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than ten dollars, be vouched for by a bill stating the particulars and by a receipt.

Mr. BELL (*Carleton*): When was the figure of \$10 put in here? Is that an old figure?

Mr. CASTONGUAY: It has been there as long as I can think of.

Mr. PICKERSGILL: This is really a kind of silly thing, to spend an awful lot of time getting receipts for. If you and your agent spend a night at a motel, when you are travelling around, you get a receipt normally; but if you hire a hall for \$11 or \$12 and late at night you cannot find the person who has got the official authority to sign a receipt—

Mr. CASTONGUAY: This figure has been there for at least thirty years.

Mr. BELL (*Carleton*): I suggest we make it \$20.

Mr. PICKERSGILL: I think \$25 would be more sensible. They all have to be published, and to whom you pay them.

Mr. CARON: Where could you rent a hall for \$25 during election time? Regular fees are \$25, but when you come to the election you find they double; the same with newspaper ads and everything. Everything is doubled for an election.

Mr. PICKERSGILL: You can rent a very good hall in Newfoundland for \$10 or \$15.

Mr. CARON: Well, they are cheap over there, but not in our part.

The CHAIRMAN: It is suggested that the figure be raised to \$25. Is that suggestion agreeable?

Mr. KUCHEREPA: That is agreeable.

Agreed.

Mr. KUCHEREPA: Now, Mr. Chairman, would the chief electoral officer like to interpret subsection (4)(b)? By "any small expenses", when they have \$25 here it does not require a specific bill or a receipt?

Mr. CASTONGUAY: Again, I would not know exactly what that would mean. I think the whole thing is limited to the candidate's personal expenses. The emphasis is on the travelling expenses and living while travelling.

Mr. KUCHEREPA: But subsection (4)(b) refers to "any other person."

Mr. PICKERSGILL: It says, "shall not be deemed to apply to any other person." If some motel camp gives me a room there for the night that is perfectly legal. As long as the room is not worth more than \$25 it does not matter.

Mr. KUCHEREPA: That is Mr. Pickersgill's interpretation as what "a small expense" means—as long as it is not over \$25.

The CHAIRMAN: The chief electoral officer referred you to your own solicitor, Mr. Kucherepa.

Mr. KUCHEREPA: We have an interpretation. I feel if you set \$25 in subsection (7) as not requiring a bill or receipt, it must be the interpretation which we must put on subsection (4)(b). Anything under \$25 would be that type of expense. That seems logical to me. I think we should have an interpretation of that for the benefit of everybody.

Mr. PICKERSGILL: Has any concern ever arisen in the chief electoral officer's recollection under subsection (4)(b)?

Mr. CASTONGUAY: Not to my knowledge; but it would not come to my knowledge because it would be in the court locally if any action was taken, and I very seldom get the reports. The reports of these contested elections invariably go to the Speaker of the house.

The CHAIRMAN: Anything further on subsection (7)? Are we agreed on this in its amended form—changed to \$25?

Agreed.

The CHAIRMAN: Subsection (8). Any comment or question?

(8) All persons who have any bills, charges or claims upon any candidate for or in relation to any election shall send in such bills, charges or claims within one month after the day on which the candidate returned has been declared elected, to the official agent of the candidate, or if such agent is dead or legally incapable, to the candidate in person; otherwise such persons shall be barred of the right to recover such claims or any part thereof.

Mr. MONTGOMERY: Sometimes it is difficult to get them to get their bills in. In a school district and rural place, when you hire a hall I know you have sometimes to drive out and get their bills. They let things drag. I do not know that you can improve it much.

Mr. PICKERSGILL: This is only for the protection of people collecting money from candidates, anyway.

Mr. BELL (*Carleton*): This section does not prevent a candidate from paying. It simply bars the recovery, and you have to put some type of limitation in if you are going to have an official return within a limited period of two months.

Mr. PICKERSGILL: Yes, and it really prevents people, about the time of the issue of the writs for another election, producing a lot of frivolous claims for alleged unpaid bills, which I am afraid could happen in some constituencies.

The CHAIRMAN: Anything further on subsection (8)? Agreed?



Agreed.

The CHAIRMAN: Subsection (9)—penalty for illegal payment. Any comment on that?

(9) Subject to such exception as may be allowed in pursuance of this act, an official agent who pays a claim in contravention of this enactment is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Mr. MONTGOMERY: That refers really to those same accounts. Supposing you cannot get your bill in and you make a return. You know there is an outstanding bill, but you have not got it. You do not know how much it is. You can pay that after you make your return, but you are not supposed to. You have got to pay the bill, and somebody has to pay that bill because you have rented a hall.

Mr. BELL (*Carleton*): Your limitation is in subsection (11). There must be payment within 50 days.

Mr. MONTGOMERY: Yes.

Mr. BELL (*Carleton*): But there is a right to apply, under subsection (12), to a judge.

Mr. MONTGOMERY: But that is an awful lot of nuisance. I do not see why there should be a penalty there.

The CHAIRMAN: What is your suggestion, Mr. Montgomery?

Mr. MONTGOMERY: I do not see why there should be a penalty under subsection (9). I do not think any responsible person—bills come in late, you cannot see people and then if the bill comes in late, you have to go to a judge and get it confirmed and so on. I just do not see that any fraud could result from this. On the one hand there is a period. I am quite in favour of a time limit. You can say: if you do not get your bill in, it will not be paid. But then somebody has to pay that bill even if it does not come in for six months.

Mr. PICKERSGILL: Which subsection are we on?

The CHAIRMAN: Subsection (9). Is it your feeling that it should be deleted?

Mr. MONTGOMERY: I was wondering if any harm could come if it was deleted. It could, I suppose, refer to a lot of other types of payments.

The CHAIRMAN: Any comments on that?

Mr. CASTONGUAY: No comment.

Mr. MONTGOMERY: I would not press it.

The CHAIRMAN: Any further comment on subsection (9)? Are we agreed?

The CHAIRMAN: Subsection (10)—“death of claimant”. Any comment on that? Are we agreed.

Agreed.

The CHAIRMAN: Subsection (11)—“payment within 50 days” and “penalty for contravention”.

62. (11) All expenses incurred by or on behalf of a candidate on account of or in respect of the conduct or management of an election shall be paid within fifty days after the day on which the candidate returned was declared elected, and not otherwise; and, subject to such exception as may be allowed in pursuance of this act, an official agent who makes payment in contravention of this provision is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Mr. PICKERSGILL: What is the purpose of this fifty days? Has the chief electoral officer any knowledge of the history of this?

Mr. CASTONGUAY: No knowledge of the history of it.

Mr. BELL (*Carleton*): Is it not quite evident that this is to enable you to make the return provided for in section 63—two months from the date of the official return? If you have a limitation on the time of making the return, there must be a limitation on the time of paying expenses to safeguard this. If you pay after fifty days, you can go to a county judge and you have in effect a public procedure that is a safeguard to everyone.

The CHAIRMAN: Anything further on subsection (11)?

Are we agreed?

Agreed.

The CHAIRMAN: Subsection (12)—“payment of lawful claims sent in after time prescribed”.

62. (12) Notwithstanding anything in this section, where cause is at any time shown to the satisfaction of a judge competent to recount the votes given at the election, such judge, on application by the claimant, or by the candidate or his official agent, may by order give leave for the payment by a candidate through his official agent of a disputed claim or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although sent in to the candidate and not to the official agent.

Mr. MONTGOMERY: I think that must remain that you have got that authority to pay.

The CHAIRMAN: Anything further on subsection (12)? Are we agreed?

Agreed.

The CHAIRMAN: Subsection (13)—“election not void in certain cases in consequence of illegal payment”. Anything on this one?

62. (13) Where an election court reports that it has been proved by a candidate that any payment made by an official agent in contravention of this section was made without the sanction or connivance of such candidate the election of such candidate is not void nor is he subject to any incapacity by reason only of such payment having been made in contravention of this section.

Mr. BELL (*Carleton*): This is a protection of the candidate.

The CHAIRMAN: Yes. Agreed?

Agreed.

The CHAIRMAN: Subsection (14)—“action for recovery in claims deemed disputed”. Any comments or questions on this one?

62. (14) If the official agent in the case of any claim sent in to him within the time limited by this act disputes it, or refuses or fails to pay it within the period of fifty days after the day on which the candidate returned was declared elected, the claim shall be deemed to be a disputed claim and the claimant may, if he thinks fit, bring an action to recover the same in any competent court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this act, and to be an exception from the provisions of this act requiring claims to be paid by the official agent.

Mr. MCGEE: The establishment of proof rests with the candidate in subsection (13) does it?

Mr. PICKERSGILL: Yes, and would clearly have to. When all is said and done, a candidate has a responsibility to appoint a responsible and respectable person as his official agent. If it turns out that that trust has been misplaced, it is only reasonable that the candidate has got to prove himself that it was so.

Mr. BELL (*Carleton*): The facts are peculiarly within the knowledge of the candidate.

Mr. PICKERSGILL: Oh quite, or without the knowledge of the candidate in this particular case.

Mr. MCGEE: I am concerned with the difficulties that might arise with being able to prove that.

Mr. PICKERSGILL: That is just your hard luck if you cannot. If you have such a poor official agent, that he goes around doing things that you disapprove of, and you cannot prove you did not know this, you should not be a candidate for parliament.

Mr. MCGEE: Have there been any cases to your knowledge where this has raised any serious difficulty?

Mr. CASTONGUAY: Nothing has been drawn to my attention on this particular subsection.

The CHAIRMAN: Anything further on subsection (14)? Are we agreed?

Agreed.

The CHAIRMAN: Subsection (15)—candidate's personal expenses up to \$2,000".

62. (15) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding two thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent.

Mr. CARON: I think there was a question a while ago about the amount being a little greater at the present time in some constituencies—not in mine, because it is a small constituency, but in big constituencies where they use planes every time they have to move around, I think \$2,000 is a little low. I know in Foleyet, the way it is built there is not a single road connecting the north and south. They have to go either through Ontario, or if they want to go through Quebec up the other road to the north or hire a plane.

Mr. MONTGOMERY: The agent can pay those.

Mr. CARON: Well, is the agent limited?

Mr. CASTONGUAY: No.

Mr. PICKERSGILL: I use planes a great deal during my election campaign and I never think of making payment for any of them myself. They are always paid by my agent and always put in the report. I think it is a good idea that the agent should pay them and put them in the return because it gives you some idea what these elections really cost.

The CHAIRMAN: Anything further?

Agreed?

Agreed.

The CHAIRMAN: Subsection (16)—"written statement of personal expenses". Anything on that?

62. (16) The candidate shall send to his official agent within the time limited by this act for sending in claims a written statement of the amount of personal expenses paid by such candidate.

Mr. BELL (*Carleton*): This is just the total amount of his personal expenses; there is no need for a candidate to itemize?



Mr. CASTONGUAY: No.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Subsection (17)—“petty expenses”.

Mr. CASTONGUAY: I would say that every return filed by a candidate or agent, pay any necessary expenses for stationary, postage, telegrams and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the official agent.

Mr. GRILLS: How many honest statements do you get on personal expenses?

Mr. CASTONGUAY: I would say that every return filed by a candidate or his official agent is honest because it is all made under oath and by virtue of the Canada Evidence Act.

Mr. GRILLS: Thank you.

The CHAIRMAN: If I may comment, that is a very excellent answer from the witness.

Anything further under subsection (17)? Are we agreed?

Agreed.

The CHAIRMAN: Subsection (18)—“statement of particulars and vouchers”. Are we agreed?

Agreed.

The CHAIRMAN: Well, that disposes of our consideration of section 62 and if I recapitulate correctly, we have made but one amendment, which is in subsection (7) that the figure \$10 be raised to \$25.

We move on then to section 63.

Mr. KUCHEREPA: Before we move on to section 63, Mr. Chairman, would the chief electoral officer tell us when election expenses incurred end? Is it at the close of the polls on polling day?

Mr. CASTONGUAY: From the date of the issue of the writ, as I understand it, until a candidate is declared elected. That varies in every constituency.

Mr. CARON: Well, a candidate is not a candidate until the date he puts in his official papers and his deposit.

Mr. CASTONGUAY: He is officially nominated when he puts in his papers and his deposit, but he is a candidate from the date of issue of the writ. He may have been an unofficial candidate for two or three weeks after the issue of the writ, but he has to go through the formality of filing his nomination papers and then he is an official candidate. He was a candidate before. He was travelling around, making speeches and incurring some expenses.

Mr. CARON: Can he be a candidate if he is not nominated? He can die. He can decide otherwise. He could do anything until the date of nomination or the date that he put in his official papers.

Mr. CASTONGUAY: You may file your papers any time after the publication of the proclamation.

Mr. CARON: But if he does not file his papers. He is not a candidate. Once the election is declared he is no longer a member; he is not a candidate until he has placed his nomination papers.

Mr. BELL (*Carleton*): If Mr. Caron would look at section 2, subsection (3), of the interpretation section, he will see the alternative:

... after the dissolution of parliament or the occurrence of a vacancy in consequence of which a writ for an election is eventually issued, is declared by himself or by others with his consent to be a candidate.

So once a person has been nominated by a convention he is, for the purposes of this act, a candidate from that moment forward.

Mr. PICKERSGILL: I would like to put this question to the chief electoral officer. Is it not true that, once you are nominated officially as a candidate, you then become responsible for any expenditures as from the date of the issue of the writ, no matter what date you may have in some way or another been made a candidate? In other words, it would not be open for Mr. Caron or me to conceal the fact we were going to be candidates, and spend money in a lavish way up to the date of the official nomination, and then just make no return of these expenditures.

Mr. CASTONGUAY: I think Mr. Bell brought this down to the interpretation of section 2, subsection (3). The definition is there, and I think once you publicly declare yourself a candidate, all those expenses are there.

Mr. PICKERSGILL: But suppose you did not.

The CHAIRMAN: Supposing a candidate had a late nomination from his own party, is that what you mean?

Mr. PICKERSGILL: Yes.

The CHAIRMAN: Considerably later than the issue of the writ.

Mr. AIKEN: In that case the interpretation section provides that you become a candidate as soon as you have been officially nominated, if you have not previously made any application.

Mr. PICKERSGILL: In 1957 my opponent was picked out about three days before the official nominations closed. I do not think he was going around making lavish expenditures before that time, but it would seem to me there is a lack in the act. It would seem to me that a candidate ought to be responsible. A candidate who was officially nominated on nomination day should be accountable for every expenditure he made right from the date of the issue of the writ, because otherwise we will be opening the way to these late declarations by people.

Mr. CARON: Or take the case of a man who does not want to be a candidate.

Mr. PICKERSGILL: He will not be spending much.

Mr. CARON: Sometimes they do a lot. And he is almost forced to be a candidate. Then they can come back at him because he made expenses, not knowing he was to be a candidate but because he is used to having a lot of expenses. For instance, on the golf course he makes a 'hole in one' and he has an expense of about \$100 for treating the whole bunch. Then he would be liable for what he has done even if he did not intend to be a candidate before the date of the nomination.

Mr. HODGSON: You had better not make any 'holes in one'.

Mr. PICKERSGILL: Not until election day.

Mr. HODGSON: You had better attend to election business.

Mr. MONTGOMERY: I do not think it could be improved upon very much. I would leave it as it is.

Mr. BELL (*Carleton*): I do not think there have been any real problems encountered in this respect.

The CHAIRMAN: Anything further on section 63? Agreed? If there is nothing further is it your pleasure that we move on to section 64? Are we agreed on section 63? Anything further on section 63?

Mr. KUCHEREPA: Yes, Mr. Chairman, subsection (7):

(7) If the said return and declaration are not transmitted before the expiration of the time limited for the purpose, the candidate shall not after the expiration of such time, sit or vote in the House of Commons as member until either such return and declarations have been transmitted or until the date of the allowance of such an authorized excuse for the failure to transmit the same, as in this act mentioned, and if he

sits or votes in contravention of this enactment he shall forfeit five hundred dollars with costs for every day on which he so sits or votes to any person who sues therefor.

Is there a time limit on this section? In other words, is there a statute of limitation in effect? If, say, a candidate in one election fails to provide this information which is required under section 63, how does subsection (7) deal with him in the future?

Mr. CASTONGUAY: As long as he is a member of the present parliament?

Mr. KUCHEREPA: No, even if he is not.

Mr. CASTONGUAY: I think this would last during the life of parliament to which he was elected, because every day he would be sitting and had not filed a return he would be committing an offence.

Mr. PICKERSGILL: Could he sit in parliament right up to dissolution as long as he was willing to pay the \$500 a day?

Mr. CASTONGUAY: Once the house was dissolved and a new election was ordered it would no longer be an offence.

The CHAIRMAN: He would be losing money in those circumstances. Is there anything further? Are we agreed on section 63?

Agreed.

The CHAIRMAN: Section 64, executory contracts void. Anything on that section? Are we agreed?

Agreed.

The CHAIRMAN: Section 65, bribery, treating, undue influence and personation. These are dreadfully hard words. Anything on that section?

Mr. PICKERSGILL: What about the (b) part of subsection (1), giving or promising employment?

(b) directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises, or promises to procure or to endeavour to procure, any office, place of employment, to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election.

Mr. BELL (*Carleton*): These sections have all become hallowed by tradition, I am sure, Mr. Chairman.

Mr. PICKERSGILL: Did Mr. Bell mean the tradition of non-observance?

The CHAIRMAN: Any further comment on these hallowed clauses?

Mr. PICKERSGILL: The (b) part of subsection (1) that is mentioned, is it applicable to the Senate or is that not regarded as employment?

The CHAIRMAN: Are you sure you wish to answer that question?

Mr. CASTONGUAY: I have no experience in this matter.

The CHAIRMAN: Anything further on section 65? I hear no motion for its deletion. Are we agreed?

Agreed.

The CHAIRMAN: Section 66, treating of any person, treating an elector during elections.

66. Every person is guilty of the corrupt practice of treating and of an indictable offence against this act punishable as provided in this act, who, corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives or provides, or causes to be given or provided, or is accessory to the giving or providing,



or pays or engages to pay wholly or in part the expense of giving or providing any meat, drink, refreshment or provision, or any money or ticket or other means or device to enable the procuring of any meat, drink, refreshment or provision, to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at such election or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

Mr. BELL (*Carleton*): Of all the section of the act this is probably broken more than any other, particularly in recent years, where tea and coffee parties and this type of function have become very common. I should think if this were enforced in its own terms, you probably would not have a member in the House of Commons today.

How this could be made realistic in accordance with present techniques of campaigning, which have become accepted by all parties and in all parts of Canada without opening it up to abuse, I confess I am not by any means sure. But in its present form it is honoured by everyone in the breach.

Mr. AIKEN: Mr. Chairman, I agree with Mr. Bell on this. The section raises a lot of difficulty, particularly in any case where there is entertainment, or a tea, as he said, as it leaves those sponsoring them unable even to give a sandwich and a cup of tea. I know this has caused concern to quite a number of people who were anxious to stay within the limits of the act.

Mr. BELL (*Carleton*): The evil, I think, that originally was intended was lavish banquets and this type of thing, of which there are probably virtually no instances today. I myself would be inclined to think we might consider even the elimination of the section, but I do not want to see anything eliminated which opens us up to real abuses.

Mr. CARON: Is it clear enough when it says:

... to or for any other person, in order to induce any elector to vote or refrain from voting, or corruptly does any such act on account of such elector having voted or refrained from voting at any election.

Some of the teas, and so on, would not be considered as trying to influence their giving or not giving a vote. I do not think it is big enough for that. Even if I am in a restaurant and I am having a Coke and somebody is with me, I offer a Coke to him also. Nobody would say a Coke would be enough to buy a vote. I think the courts have settled it. There was a contestation somewhere and the judge decided that what the man usually did, if he was not a candidate, would be acceptable as not being a bribe.

Mr. CASTONGUAY: In 1951 in Ontario they modified their section, which was rather similar to ours. If I read their modified section it might be helpful. It is section 166 of the Ontario Elections Act, and reads as follows:

166. (1) A candidate shall not, nor shall any other person, provide or furnish meat, drink, refreshment or provision at the expense of the candidate or other person at a meeting of voters assembled for the purpose of promoting the election, before or during the election, or pay or promise or engage to pay therefor; but nothing in this section shall extend to any meat, drink, refreshment or provision furnished to any such meeting of voters by or at the expense of any person at his usual place of residence, where the residence is a private house.

(2) Every person offending against this section shall be guilty of a corrupt practice and shall incur a penalty of \$100.

Mr. CARON: That covers only the private house, but generally—not around my place, but I have seen around the country where you have teas in the hall, it is not a private house and it is not any worse than if it was in a private house. The last election there were teas all around, and they were in halls. I do not believe a cup of tea or a sandwich would be enough to buy any vote. If it is, then the people of the country should be hanged.

Mr. PICKERSGILL: There is no doubt that the section in its present form is really very objectionable. It causes a lot of pain to a lot of decent and conscientious people and it does not really restrain anything at all that is not restrained in the ordinary course by the liquor laws in the provinces.

Mr. MCGEE: Am I correct here? If a woman in a certain section of my constituency invited four or five or her neighbours in for a cup of coffee and I was invited to meet with that group during the course of the election, does this contravene the section?

Mr. PICKERSGILL: It could be.

The CHAIRMAN: If she is doing this corruptly.

Mr. BELL (*Carleton*): It could easily be interpreted as being for the purposes of corruptly influencing the person who comes.

Mr. MCGEE: This practice, again, is maybe peculiar to my riding, but it has grown up for such groups of women to gather the neighbourhood together for a cup of coffee, invite one candidate and then turn around and do the same type of thing next week with the other candidates.

Mr. CARON: They want to be in with both sides.

Mr. MCGEE: No, they simply want to meet the candidates. This is true; and there are a growing number of people who want to have some personal contact with the candidates. I know of a number of instances where I believe at least two of the four candidates went to such so-called coffee 'claches', or whatever you call them, without the wildest intent in anyone's mind of being in contravention of the act. But if you read this, they certainly were.

Mr. PICKERSGILL: As a matter of fact, I would say I personally would be very much opposed to making it legal for the candidate or his agent to pay for refreshments at these affairs.

Mr. CARON: Who would pay?

Mr. PICKERSGILL: If people want to do it voluntarily, as Mr. McGee has suggested, that is all right. But the idea that in addition to your other expenses the candidate is put to, we are going to have a candidate pay for sandwiches or something, there would be nothing wrong with it. But I would not like to see it made a legal part of a candidate's expenses at regular meetings.

Mr. MONTGOMERY: Can we not change that?

Mr. PICKERSGILL: Mr. McGee's suggestion rather appeals to me, and I must say I think Mr. Caron's suggestion is also a good one, that if it could be extended a little beyond the Ontario act, so that if there was some club or organization where people habitually go and they wanted to have sandwiches or something, there would be nothing wrong with it. But I would not like to see it made a legal part of a candidate's expenses at regular meetings.

Mr. KUCHEREPA: Could you overcome this by starting the section "every candidate or his agent" instead of "every person"? You also come into line with Mr. Pickersgill's thinking that it would not be an official expenditure on the part of the candidate. At the same time, it would make so-called coffee parties legal.

Mr. MONTGOMERY: The old days of holding big meetings in a lot of places is over. People gather in some farm house or in a town in a hall and they have a social evening. There may be an orchestra there, there may be a dance.



I have never had them myself, but I have known of it. It could be considered a political meeting.

The CHAIRMAN: In many places that is the form of political meeting today.

Mr. MONTGOMERY: I think we should do something to cut it down so that everyone is eliminated, except the candidate and his agent.

The CHAIRMAN: Mr. Kucherepa's suggestion is that instead of the expression "person", we use "candidate or his agent" in the opening sentence.

Mr. PICKERSGILL: I would suggest that we let this section stand at the moment. The chief electoral officer has heard our views and if there is pretty general agreement on what we wish to do, the chief electoral officer could have a crack at bringing in some words we can look at at the next meeting.

Mr. MCGEE: I think we could do what Mr. Caron has attributed to this judge where he pointed out that what was the normal thing was perfectly all right. A specific example of buying a bottle of Coke at a counter is covered by the use of the words "normal practice".

Mr. PICKERSGILL: That is an attack on teetotalers, of course, Mr. Caron.

Mr. AIKEN: Mr. Chairman, when this was first raised I was inclined to agree that perhaps some change was necessary. But when you read the section carefully, you find that the word "corruptly" is used in one place and other similar words throughout. I am very doubtful if a person in a situation such as Mr. McGee has described could ever have been held in fact to be corruptly trying to influence voters to vote for any person merely because they have provided them with a cup of tea.

Mr. PICKERSGILL: What about a cocktail party?

Mr. AIKEN: I think that would be a matter, if there was any problem raised, for the person before whom it was raised to decide. If it were a charge of corrupting a candidate with tea and coffee, Mr. Caron has said that it would be a terrible thing if someone were bought with a cup of tea. It has been considered that a bottle of beer would do it.

Mr. CARON: Take bottles of beer from both sides and then not vote.

Mr. AIKEN: I do not think, Mr. Chairman, we need touch it. I think it is clear enough there that it has to be corrupt, and by a careful examination of the section the normal situation would be covered.

Mr. PICKERSGILL: I again say I do not agree with Mr. Aiken at all, because the fact is we are supposed to be making the law for the generalities of this country and not to make jobs for lawyers. We should make the law clear enough that when it is possible he who runs may read. Many candidates and their agents have had real trouble with this and if it is possible to improve it, I think we should try to do it.

Mr. CARON: A while ago I said a judge has decided it was the ordinary expenses which are usually made by somebody. You could do the same in the elections act. But supposing the case came in front of a judge who is so narrow that he wants to accept the law as it is written, he could annul an election on that. The whole thing is on the judge.

The CHAIRMAN: Is it your pleasure then that we will leave this with Mr. Castonguay to have another look at it?

Mr. BELL (*Carleton*): I think really what we want is that the mere act of purchasing of food or drink in itself is not corrupt. If that is clear, then I think this section is intelligible. In some circumstances, undoubtedly the purchase of food and drink is a corrupt practice and should be so interpreted; but the usual type of thing we have been talking about which has become an accepted part of campaigning—the coffee parties and tea parties—certainly we do not want it to appear that there is any chance of their being in fact a corrupt purchase of food and drink.



Mr. CARON: We had a meeting once, and after the meeting they gave doughnuts and coffee to anyone who wanted them.

Mr. CASTONGUAY: In the drafting of this particular amendment, is it the wish of the committee that they want the candidate and official agent to be excluded from paying for this tea and coffee? That would be a rather important point in the drafting of it.

Mr. PICKERSGILL: I feel very strongly about this. I feel very keenly that the last thing we want to do is increase the number of ways in which candidates and their agents can spend money on elections. If we make it legal for a candidate and his agent to pay for these things, it would not be very long before it would be necessary at every place in the constituency for the candidate to organize a banquet. That I certainly would disapprove of very strongly, and I am sure that was the main idea of putting this thing in in the first place. I quite agree these community tea parties and things of that sort are part of modern suburban life. We do not want to make them illegal or make them appear to be illegal.

Mr. BELL (*Carleton*): I confess that I do not think I would go quite as far as Mr. Pickersgill does in relation to this. I will use my own particular constituency as an example. In the urban part of my constituency the only way it is now possible to campaign is through what we call "meet your candidate nights". When people come and go through the receiving line, they are then given a cup of coffee to have while the others are coming in, and they stand around with a cup of coffee and chat with their neighbours until there is time for a few words to be said by the candidate.

Now, I confess my women's organizations do provide the coffee for that, but I can see no real objection in principle if the agent was in fact under those circumstances to provide the cup of coffee. I think in many cases you may be resorting to subterfuge if you do not make it possible for an agent in that new accepted form of campaigning to provide limited refreshments so long as there is no corruption.

Mr. AIKEN: Mr. Chairman, I am trying to think of a word that would do it. I wonder if the words "light refreshments" would suit what we have in mind when the chief electoral officer is considering a redraft—"light refreshments" as being an unobjectionable type of entertainment?

Mr. CARON: I think that is up to the candidate, "light refreshments".

The CHAIRMAN: As a guidance to the chief electoral officer in his efforts in drafting an alternative section, I wonder can we clarify our own thinking on this matter that has just been discussed by Mr. Bell and Mr. Pickersgill as to the relationship of the candidate and his official agent to this process.

Mr. PICKERSGILL: Well, I suppose, commenting on what Mr. Bell has said, that of course the candidate cannot do it anyway because it is not a personal expense under the law as it stands no matter how we interpret it. But if the official agent did it, then he would have to provide receipts and show that it had been done, which would all have to be part of his return. So I suppose perhaps my objection may be a little on the pedantic side. The only thing I am afraid of is building up a practice that is going to mean that this is just another expenditure on elections that candidates are going to be forced to go into if they want to get themselves elected. But I think in the light of this further reflection, if the official agent would have to make a return, perhaps it would be unnecessary.

Mr. CARON: May I ask a question on this?

The CHAIRMAN: Certainly.

Mr. CARON: I have an example. Last Sunday the Liberal women's association gave a tea in Hull and the candidate was in the receiving line, the candidate for the provincial election. Would he be in that case responsible for what is being done there by the group? He has not paid. Would he be held responsible because he was in the reception line?

Mr. CASTONGUAY: Some candidates have felt that they would be held responsible; others have not.

Mr. CARON: It is very narrow if he is invited, as Mr. McGee said a while ago, and he has not paid anything. He has not been asked to authorize this, but they organize the tea and they ask him to be in the reception line. He cannot leave the public and the reception line because they would be all mad at him and then he could be held responsible for the fact that he is in the reception line, while he is not responsible for anything that is being done.

Mr. CASTONGUAY: Well, in the last two general elections, as Mr. Bell pointed out, there were tea parties and coffee parties; quite a few of them. Many rulings were asked of me on this point and I frankly gave them the same reply as usual, to consult their own solicitors. But they all had the same fears. Some thought they would be held responsible. Many of the candidates were nervous about this particular section.

Mr. CARON: I would have been.

Mr. PICKERSGILL: So would I.

Mr. MONTGOMERY: There are so many things around the election where you are going to be accused of using a corrupt practice, whereas in every-day life nobody would think anything about it. Take somebody going to dinner: ordinarily nobody would have anything to say; but do it around election time, and you are accused, whether you are guilty or not, of corrupt practice.

Mr. KUCHEREPA: May I ask a question which has an indirect relation to this whole problem? Suppose a group of people get together and arrange and sponsor a newspaper advertisement without the knowledge of the candidate and without the knowledge of his agent, as a group; what is the position of that candidate under those circumstances?

Mr. CASTONGUAY: He is aware that ad has appeared, so he would have to equate the value of that ad into money and the official agent would have to report it as an expense.

Mr. KUCHEREPA: Let us go into another example. A person in a constituency has a house party for him, and brings other friends to it. The candidate is not even invited. Suppose the candidate became aware of the situation, what would be his position then?

Mr. CASTONGUAY: I am afraid I would not like to give an opinion there.

Mr. MCGEE: Might I ask a question along the same line? This actually happened and I did not become aware of it until after the following election. A person unknown to me without any indication sat down and wrote a letter to a group of people in his neighbourhood saying he knew me and supported me and so on. As I say, this letter went out in 1957 and I did not hear about this until about a year ago. He never approached me, and yet here was expense, obviously.

Mr. CASTONGUAY: Well, subsection (13) of section 62 would cover that, I think, at page 232. That is what that was intended for.

The CHAIRMAN: There is another committee meeting in this room. We will stand section 66 and take it up at a subsequent meeting and go on with subsection 67 on Thursday.

HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

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THURSDAY, MAY 26, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Health Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

THURSDAY, May 26, 1960.  
(17)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Barrington, Bell (*Carleton*), Henderson, Hodgson, Kucherepa, Macquarrie, McGee, McWilliam, Montgomery, Paul, Pickersgill and Richard (*Ottawa East*).—(13)

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee continued its consideration of the provisions of the Canada Elections Act.

*Sections 67 to 69, 72, 74 to 79, 83 to 85, 88 to 93, 102 to 110 and 112 to 116* were adopted.

*On Section 70:*

Subsection (3) was deleted.

Subsections (1), (2) and (4) to (6) were adopted.

The Section, as amended, was adopted.

*On Section 71:*

*Agreed,*—That the words “upon its face” be deleted in lines *two* and *six* of the Section.

The Section was allowed to stand for rewording.

*On Section 73:*

Mr. Pickersgill moved, seconded by Mr. Barrington,

That Section 73 of the Act be deleted.

The motion was adopted on the following division: Yeas: 10; Nays: 0.

*On Section 80:*

The Section was amended to read as follows:

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election.

*On Section 81:*

Subparagraph (b) was amended to read as follows:

81. Any person, who

(b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice; or

The Section, as amended, was adopted.

*Sections 82, 86, 87, 101 and 111 were allowed to stand.*

*Sections 94 to 98 were adopted, as amended on May 3, 1960.*

*Section 99 was deleted.*

*On Section 100:*

On motion of Mr. Bell, seconded by Mr. Henderson, paragraph (h) of Subsection (1) was deleted, *on division*.

On motion of Mr. Pickersgill, seconded by Mr. McWilliam, paragraph (i) was deleted, *on division*.

The Section was adopted, as amended.

*On Section 49:*

Subsections (1), (2) and (3) of section 49 of the said Act were repealed and the following substituted therefor:

"49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within half a mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

(2) The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the ordinary polling day; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the ordinary polling day."

The Section was adopted as amended.

*On Section 54:*

Subsection (1) of Section 54 of the said Act was repealed and the following substituted therefor:

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to



which such judge belongs the sum of *two hundred and fifty* dollars in legal tender as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

The Section was adopted as amended.

*On Section 62:*

Subsection (7) of Section 62 of the said Act was repealed and the following substituted therefor:

(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than *twenty-five* dollars, be vouched for by a bill stating the particulars and by a receipt.

The Section was adopted as amended.

*On Section 66:*

The Section was amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to

- (a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or
- (b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election.

The Section was adopted as amended.

At 11.00 a.m. the Committee adjourned to the call of the Chair.

Eric W. Innes,  
*Clerk of the Committee.*



## EVIDENCE

THURSDAY, May 26, 1960.

The CHAIRMAN: Gentlemen, the meeting will come to order. We have some amendments to sections previously discussed which we will take up later in the meeting. We might now turn our attention to section 67 on page 238.

Are there any comments on this section? Are there any comments concerning undue influence, Mr. Castonguay?

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): No, sir.

Mr. RICHARD (*Ottawa East*): Has it ever been invoked?

Mr. CASTONGUAY: Not to my knowledge.

The CHAIRMAN: Are there any further comments or suggestions? Are we agreed?

Mr. BELL (*Carleton*): This was a good church man who drafted this section.

The CHAIRMAN: Any further comment? Agreed?

Agreed.

Section 68, personation and subornation of personation—classic language.

68. Every person is guilty of the corrupt practice of personation, and of an indictable offence against this act punishable as provided in this act, who at an election

- (a) applies for a ballot paper in the name of some other person, whether such name is that of a person living or dead, or of a fictitious person;
- (b) having voted once at such election, applies at the same election for another ballot paper; or
- (c) aids, abets, counsels, procures or endeavours to procure the commission by any person of personation as herein defined.

Mr. RICHARD (*Ottawa East*): That is a useful section, Mr. Castonguay?

Mr. CASTONGUAY: Yes it is.

Mr. RICHARD (*Ottawa East*): In your experience has it been used?

Mr. CASTONGUAY: I know it has been before the courts.

The CHAIRMAN: Any further comment or question?

Mr. MONTGOMERY: It seems to me we need something like that in there. Did I understand Mr. Castonguay to say that it had been questioned?

Mr. CASTONGUAY: No, that this section had been applied in the courts.

Mr. MONTGOMERY: And it has been upheld?

Mr. CASTONGUAY: It has been upheld.

The CHAIRMAN: Anything further? Agreed?

Agreed.

Section 69, penalty for voting if disqualified, not qualified or incompetent.

69. Every one is guilty of a corrupt practice and of an indictable offence against this act punishable as provided in this act who, at an election, votes or attempts to vote knowing that he is for any reason disqualified, non-qualified or incompetent to vote thereat.



The CHAIRMAN: Is there any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Members of the committee?

Mr. KUCHEREPA: What does the word "incompetent" envisage in that section?

The CHAIRMAN: Mr. Castonguay, any comment?

Mr. CASTONGUAY: I think it is all-embracing. They would not be qualified to vote. Just a few more words that would mean the same thing.

Mr. MONTGOMERY: I think this section puts the burden of proof, once the person is proven to have voted, on the voter. But I think I can see cases where a man or woman might vote thinking they had the right to vote. This, the way it is worded, rather puts the burden of proof on the voter, once you have proven so and so voted. I know it might be pretty well cleared up, but suppose a Canadian marries a girl from the United States—and it happens quite frequently at home because we live along the border—and she becomes a Canadian and thinks she is eligible to vote. I do not think she comes under this section.

Mr. CASTONGUAY: In the case you have brought forward, this woman knew she had the right to vote, but if you read the third line it says: "to vote knowing". If she knew she was not competent to vote, that is a different matter.

Mr. BELL (*Carleton*): If this lovely bride voted in the mistaken belief she would not be caught by this section?

Mr. MONTGOMERY: Well, "knowing", I suppose, covers it.

Mr. BELL (*Carleton*): It seems to me the draftsman has been guilty of supererogation in this section—"disqualified, non-qualified or incompetent". I think they all mean the same thing.

Mr. CASTONGUAY: I think they do; but you will find this throughout the act. There is a lot of repetition. Whether it is done by intent or not, I do not know.

The CHAIRMAN: There are certain forms of incompetency which would make it impossible for the person to know he was incompetent.

Mr. KUCHEREPA: That would not be covered by this section because this is a section which knowing—"to vote knowing". Yours is an entirely different problem.

The CHAIRMAN: Possibly, but, I certainly do not want to argue the case now.

Mr. MONTGOMERY: A person is supposed to know the law. When you do something against the law, you are supposed to know the law.

The CHAIRMAN: Anything further? Are we agreed?

Mr. MONTGOMERY: Has this caused very much trouble?

Mr. CASTONGUAY: None that I know of.

The CHAIRMAN: Anything further? Agreed?

Agreed.

Since this catalogue was not sufficiently large, we now have a section of miscellaneous, section 70.

70. (1) Every election officer who omits to comply with the provisions of this act is liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, is, on summary conviction, liable to a penalty of not less than two hundred dollars nor more than five hundred dollars, unless, in either

case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result of the election or to permit any person to vote whom he did not bona fide believe was qualified to vote, or to prevent any person from voting whom he did not bona fide believe was not qualified to vote.

(2) It shall be deemed to be a non-compliance with the provisions of this act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote which should have been cast.

(3) The person instituting any proceedings leading to the conviction of any election officer under this section is entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the chief electoral officer or unless the chief electoral officer, at the request of the person by whom the proceeding was instituted, has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

(4) When it is made to appear to the chief electoral officer that any election officer has been guilty of any offence against this act, it is his duty to make such inquiry as appears to be called for in the circumstances, and it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

(5) The chief electoral officer has the like powers in the case of any offence that it is made to appear to him to have been committed by any person under section 17, section 22, section 29, subsections (2) and (6) of section 49, subsection (12) of section 50, subsection (7) of section 52 or section 72.

(6) For the purpose of any inquiry held under the provisions of this section, the chief electoral officer or any person nominated by him for the purpose of conducting any such inquiry, has the powers of a commissioner under part II of the Inquiries Act, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the chief electoral officer by virtue thereof shall be payable by the comptroller of the treasury, on the certificate of the chief electoral officer, out of any unappropriated moneys forming part of the consolidated revenue fund of Canada.

Mr. RICHARD (*Ottawa East*): Who is the election officer in this section?

Mr. CASTONGUAY: The election officers, the chief electoral officer?

Mr. RICHARD (*Ottawa East*): You are one of them?

Mr. CASTONGUAY: Yes, I am one of them.

Mr. BELL (*Carleton*): Is the chief electoral officer aware of any instance where there has been payment to the common informer of the moiety provided in subsection (3)?

Mr. CASTONGUAY: I have not heard of any.

Mr. BELL (*Carleton*): Generally speaking, I am opposed to common informers. I know of no other way to handle it, but the payment to common informers has become a pretty archaic part of the law.

Mr. RICHARD (*Ottawa East*): I agree with Mr. Bell and I should like to see all such provisions in our law dropped out.

Mr. BELL (*Carleton*): Would there be any harm in just dropping subsection (3)?

Mr. CASTONGUAY: I do not see any harm. There is another section here, section 63, which contains the same provisions.

Mr. BELL (*Carleton*): But it probably is impractical in that case. That is a penalty against a member of the House of Commons who sits without having filed his return.

The CHAIRMAN: It is suggested then, that subsection (3) be deleted. Is that agreeable?

Agreed.

The CHAIRMAN: Is there anything further on section 70? Agreed?

Agreed.

The CHAIRMAN: Section 71, printed documents to bear name, and so on, of printer.

71. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against this act punishable on summary conviction as provided in this act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

Mr. BELL (*Carleton*): There is one problem that arises always in section 71, and that is the requirement that it "shall bear upon its face". I think most of us actually breach that because we very frequently put the name of the printer and the publisher on the back of a pamphlet. Of course, if it is a poster, it has to be on the face of it. Could we adopt language which would make it clear that there is no breach of the act in simply putting it right at the bottom of the pamphlet, as is the usual custom, rather than having to put it right on the front of it?

Mr. KUCHEREPA: Well, you might use the phrase, "in a conspicuous place".

Mr. BELL (*Carleton*): Would there be any harm in using such a phrase?

Mr. CASTONGUAY: We have the same problem with some of our electoral documents. I think "its face" was designed more for posters, where you have a one page document, where it must be on the face, but now you have some where there are two or three pages, and to put it on the face—I do not see the importance there in a three-page handbill, that it appear on the face, or the back; as long as it appears on the hand-bill.

Mr. BELL (*Carleton*): So long as it can be easily identified as to its source. I like the language Dr. Kuchepera suggests, "in a conspicuous place".

Mr. KUCHEREPA: We might use it in this sense, "on its face or in a conspicuous place".

Mr. CASTONGUAY: If you just took out the words, "upon its face".

Mr. BELL (*Carleton*): "Shall bear the name and address of its printer and publisher".

Mr. KUCHEREPA: The only problem there is your posters; it may be, it is placed on the back, where it cannot be seen when they are placed on a billboard, and it would not be evident at all.

Mr. MONTGOMERY: It is the name of the printer we are talking about.

Mr. BELL (*Carleton*): It is most unlikely in a poster. They would run it through a press a second time in order to put the name of the printer and



publisher on the back. Even if they did, would there be any objection, because it is for the purpose of finding out who published it. And even if it is on the back, you could find it.

Mr. KUCHEREPA: It would almost mean its removal to see if it was on.

Mr. BELL (*Carleton*): That would be the candidate's responsibility, if he was foolish enough to allow that.

Mr. CASTONGUAY: I think it would be much easier to just remove the words "upon its face".

Mr. MONTGOMERY: I think so, too.

The CHAIRMAN: Is that suggestion agreeable, to delete the words "upon its face"?

Mr. CASTONGUAY: I can bring it back at the next meeting in its proper form if that is agreeable to the committee.

The CHAIRMAN: If you will bring that back, Mr. Castonguay. Is that agreeable?

Agreed.

The CHAIRMAN: Section 72, any comment on this?

72. (1) Any person unlawfully taking down, covering up, mutilating, defacing or altering any printed or written proclamation, notice, list of electors, or other document, authorized or required by this act to be posted up, is guilty of an indictable offence against this act and liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution, or to imprisonment for a term not exceeding two years with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith (in case only a fine and costs are imposed) or are not paid before the expiration of the term of imprisonment imposed (in case imprisonment, as well as fine and costs, is imposed), to imprisonment, with or without hard labour, for such term, or further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

(2) A copy of subsection (1) shall be printed as a notice in large type upon every such printed document, or printed or written upon every such written document, or printed or written as a separate notice and posted up near to such document and so that such notice can be easily read.

Mr. CASTONGUAY: No comment. Gentlemen of the committee, is it agreeable?

Mr. MONTGOMERY: I suppose it is all right. It is very difficult sometimes. I have not read this carefully, but as I understand it no posters can be taken down once they are put up.

Mr. CASTONGUAY: Any person unlawfully taking them down.

The CHAIRMAN: I should imagine the most common complaint refers to the list of electors.

Mr. CASTONGUAY: Sometimes, and at other times people trying to get a list in a hurry.

Mr. MONTGOMERY: What about, for instance, once a candidate puts posters up?

Mr. KUCHEREPA: This does not cover that aspect, does it, Mr. Castonguay?

Mr. CASTONGUAY: These are all statutory documents, not candidates' documents.

The CHAIRMAN: Not political education publications?

Mr. MCGEE: Has there been any thought given to the change in the quality of the paper or the shape of the page for the electors' lists that are posted on these posts? It seems to me in practically every election, not bad weather but any sort of rain and wind, these things for all practical purposes are destroyed.

Mr. CASTONGUAY: In 1953 we adopted the hard cardboard cover which was used in the Quebec provincial election, and I notice that it preserves the list a little longer. I do not know what type of paper you could use, or what you could do to protect it from urchins or people who wanted to get the list in a hurry. I think the cardboard protects it sufficiently from weather elements.

Mr. MCGEE: It is an improvement, but it does not really solve the problem. Perhaps a shorter page would be appropriate.

Mr. KUCHEREPA: You might be able to obtain some type of plastic cover at a low cost.

Mr. CASTONGUAY: We are always looking to improve it.

Mr. MCGEE: It is when the wind gets in under the pages, and the rain as well. Perhaps you might give some consideration to shortening the page, which might help.

The CHAIRMAN: Any further comment on section 72? Are we agreed? Agreed.

The CHAIRMAN: Section 73.

73. Every person who before, during or after an election directly indirectly or by any means or device in attempted evasion of the following provisions,

- (a) hires or in whole or in part, pays for, or promises to pay for, or solicits the hire or use for payment of any horse, team, carriage, cab, cart, wagon, automobile, sleigh, aeroplane, boat, vessel, or other means of conveyance, or
- (b) lets to hire or demands, receives, or promises to accept payment for the hire or use of any such means of conveyance, for the purpose of conveying or providing for the conveyance of any elector or electors who may intend to vote to or from the poll or any polling station, or to or from the neighbourhood thereof, is guilty of an illegal practice, and of an offence against this act punishable on summary conviction as provided in this act; but the bona fide payment by the elector himself of the usual fare or a reasonable charge for his conveyance to or from the pool or polling station shall not be deemed a contravention of this section.

Mr. BELL (*Carleton*): This is another problem section, Mr. Chairman. I confess I do not have any specific proposal to put forward. In my own election I am fortunate that I always have a surplus of volunteer cars, and there has been no payment for vehicles in my riding. But I think this is one of the comparatively few where such is the case. This is a section where, I think we might as well recognize, generally across the country it is honoured more in the breach than in the observance. The moment you open it up you are creating very major problems and problems of expense.

I wonder if the chief electoral officer might tell us what the position is in other jurisdictions and whether there have been at any time constructive suggestions as to how this might be brought in reasonable conformity with what is the accepted election practice.

Mr. PICKERSGILL: Perhaps I could ask a supplementary question to be answered at the same time. I understand that this provision was changed in the last revision of the Nova Scotia law. I wonder if the chief electoral officer knows of their revision, and what it was?

Mr. CASTONGUAY: They have not sent me their report. The first report they sent was their interim report, and I have not had a copy of their final report. I do not think they have made their final report yet.

Mr. PICKERSGILL: The law was changed before the last provincial election in 1956.

Mr. CASTONGUAY: I believe it was. I read most of the statutes in the various provinces, and all of them have the same restrictive provisions as we have.

Mr. PICKERSGILL: I am not absolutely certain about this, but I assumed it had changed.

Mr. CASTONGUAY: I was not aware of that, but I do know most of the provinces have the same restrictive provision as we have in the Canada Elections Act.

Mr. BELL (*Carleton*): Is that true of other jurisdictions abroad?

Mr. CASTONGUAY: In most of the other jurisdictions abroad you have a limitation on expenses, and they appear to be permitted within this limitation. They have not a long series of restrictive measures. They just handle this problem by saying a candidate may only spend so much at an election and within the budget of that limitation he can provide whatever he wishes in the way of transportation or pamphlets or meetings or what have you.

Mr. BELL (*Carleton*): I confess, Mr. Chairman, I have no constructive suggestion. I would hate to see it just opened up. I think it would be unwise to repeal the section. I think it is a case of every man letting his own conscience be his guide.

Mr. PICKERSGILL: Speaking personally, as much as I would like to see election expenses reduced—and in my own riding this is unimportant—I would be in favour of repealing the section entirely. It is something like the prohibition laws we once had in various jurisdictions of this country. I think this is bringing the law into disrepute, and it is really rather hypocritical to leave it in the act.

Mr. HENDERSON: The junior chamber of commerce people in Prince George and Dawson Creek got the voters out. We have no trouble that way at all. They get the vote from the surrounding country.

The CHAIRMAN: Any further comment on this?

Mr. AIKEN: I think that is something to be encouraged, perhaps.

Mr. HENDERSON: Yes, it has grown, and now it is organized before the election. They are all ready, irrespective of who is running or how they are running or what politics; they look after it.

Mr. PICKERSGILL: In order to take the consensus of the committee, if I can find a seconder I would move we strike out section 73.

Mr. BARRINGTON: I second it.

The CHAIRMAN: Mr. Pickersgill moves and Mr. Barrington seconds the motion. The motion is now before us; are we ready for the question?

Mr. KUCHEREPA: As the matter stands at the present time, what Mr. Henderson has brought up would in fact not be proper because the section says, "every person"—not a candidate or his agent, but every person who does these things in organizing is actually not in keeping with this section of the act.

Having in mind the fact that this is being done, I too agree with Mr. Pickersgill on this question. I do not see how this thing could be worked



out without being observed more in the breach than in the compliance. I personally have had no problem of this kind. I have had volunteers who look after it, but I can see in other parts of the country, because there are different constituencies such as Mr. Henderson's here, where this could be a considerable problem and where public spirited bodies, as they did in his constituency, could provide a useful public service in getting the voters out on election day.

The CHAIRMAN: Anything further before we put the question?

Mr. BELL (*Carleton*): I do not think we would have actually any more vehicles paid for, if we eliminated the section, than is done at the present time. As I raised the subject initially, I think I am inclined to agree with Mr. Pickersgill that it is like the prohibition laws, and it brings the whole act into disrepute.

Mr. BARRINGTON: This might be done legally, then.

The CHAIRMAN: All in favour of the motion? Opposed?

Agreed.

The CHAIRMAN: Well, that is scratched, if I may use the vernacular.

Section 74—illegal payments to electors. Any comment on this?

74. Every person who before, during or after an election directly or indirectly or by any means or device in attempted evasion of the following provisions,

- (a) pays or promises to pay in whole or in part the travelling or other expenses of any elector who may intend to vote, in going to or returning from the poll or any polling station, or going to or returning from the neighbourhood thereof; or
- (b) pays or promises to pay or receives or promises to accept payment, in whole or in part by reason of time spent, or for wages or other earnings or possibility thereof lost, by any elector who may intend to vote, in going to, being at or returning from the poll or any polling station, or going to, being at or returning from the neighbourhood thereof;

is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Mr. BARRINGTON: Does that not tie in somewhat with section 73?

Mr. BELL (*Carleton*): Not really.

Mr. AIKEN: This is a direct payment to a voter, which I think is much different from 73, because under the subterfuge of paying for travelling expenses one could pay money which would be completely unreasonable, and yet put it under this section. I was not entirely satisfied about the removal of section 73, but I do not think we should remove section 74.

The CHAIRMAN: Any other comment? Are we agreed?

Agreed.

The CHAIRMAN: Section 75—penalty for inducing persons to make false oath. Any comment on this?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 76—non-residents of Canada, forbidden to canvass.

76. Any person who resides without Canada and who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election,

or to refrain from voting, is guilty of an indictable offence against this act punishable as provided in this act.

Mr. PICKERSGILL: I wonder if the chief electoral officer could give us any of the history of this section? Does this mean that a visitor from the United Kingdom who can vote, having been here for more than a year, a non-immigrant, would not be allowed to canvass?

Mr. CASTONGUAY: I think this was designed to cover a specific instance that happened about 40 years ago, where bogus polls were set up in the woods and a considerable vote was cast there. It was alleged to be organized by someone south of the border. I think that particular provision was put in then.

Mr. KUCHEREPA: Was this in the 1911 election?

Mr. CASTONGUAY: 1921.

Mr. PICKERSGILL: I was thinking if this is the law in the United Kingdom I certainly broke it, because when I was an undergraduate at Oxford I canvassed very actively for the unsuccessful Liberal candidate.

Mr. AIKEN: This uses the word "resides". If a person had set up a place of residence in Canada it would not bar him from campaigning. It does not say Canadian citizens; it merely says non-residents. I think it would prevent people from being brought into Canada on an organized basis from some other country.

Mr. McGEE: What about the Buffalo and American border television stations?

Mr. BELL (*Carleton*): "Canvasses for votes" is the expression.

Mr. PICKERSGILL: They are non-residents, are they not, these television stations?

Mr. McGEE: Well, this is the point. A great deal of general advertising is sent over the Buffalo air beamed for the Toronto and the Canadian sector of that audience. I am wondering if such an event occurred if it would be a breach of this section?

Mr. PICKERSGILL: It is a part of the British law. I noticed that the other day when the chief electoral officer was reading that section of the British law.

Mr. CASTONGUAY: I have never heard of any instance of this.

Mr. BELL (*Carleton*): It had not occurred to me that this might cover the Buffalo or Bellingham situations, but if it does, I would be very happy.

Mr. PICKERSGILL: I would very cheerfully invalidate the election of anybody who used these American stations to broadcast into Canada.

Mr. RICHARD (*Ottawa East*): Does this apply to a British political man or anyone coming from England making a speech in favour of candidates?

Mr. CASTONGUAY: It would, because he resides outside of Canada. He has not a residence in Canada. "Any person who resides without Canada".

The CHAIRMAN: Anything further on this?

Mr. AIKEN: Mr. Chairman, I think as far as radio or television stations are concerned, there can be no prosecution of persons unless they actually came into Canada to be prosecuted. So that the owner or operator of the stations certainly could not be prosecuted for operating outside Canada.

The CHAIRMAN: Anything further on this?

Mr. KUCHEREPA: This is quite a problem that has been raised, Mr. Chairman, in those areas where American television stations have large coverage in Canada, and in our area they certainly have a tremendous coverage. If I remember my figures correctly, our own C.B.C. stations only get 19 per cent

of the coverage, whereas the majority of it is coming from Buffalo. I think something should be added to this section to cover that situation.

Mr. BELL (*Carleton*): Ought we not to take that up under section 101?

The CHAIRMAN: I was going to suggest that when you come to that section. Anything further under this section? Are we agreed?

Mr. HODGSON: Leave it as it is.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 77, penalty for publishing false statements to affect return of any candidate.

77. Any person who, before or during any election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of such candidate is guilty of an illegal practice and of an offence against this act punishable on summary conviction as provided in this act.

Is there any comment on this?

Mr. CASTONGUAY: No comment.

Mr. PICKERSGILL: It is not a very practical section, is it?

Mr. CASTONGUAY: I do not recall its ever having been used.

Mr. AIKEN: Nevertheless, it should be left there.

Mr. PICKERSGILL: It comes under the same category as the Ten Commandments.

The CHAIRMAN: Are we agreed to leave this impractical but fundamental part of our act here? Agreed?

Agreed.

The CHAIRMAN: Section 78, penalties and procedure; fines and other penalties for indictable offences.

78. (1) Any indictable offence against this act may be prosecuted alternatively on indictment or by way of summary conviction.

(2) Any person who is guilty of any indictable offence against this act is liable on indictment or on summary conviction to a fine not exceeding two thousand dollars and costs of prosecution or to imprisonment for a term not exceeding two years, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour for such term or such further term, as such fine and costs or either of them remain unpaid, not exceeding three months.

Are there any comments on that?

Mr. PICKERSGILL: Do these penalties correspond with the most up-to-date amendments of the Criminal Code?

Mr. CASTONGUAY: I would not be able to say authoritatively.

Mr. PICKERSGILL: We amended an act yesterday, or adopted a new act to replace one—I am not quite sure which, because I was not paying much attention in the house. But I did notice one section was explained by Mr. Harkness and he said it was just bringing the penalties into conformity with those of the Criminal Code.



Mr. BELL (*Carleton*): I am surprised Mr. Pickersgill would make such a statement. Had the Minister of Public Works suggested that, there would be fireworks.

Mr. PICKERSGILL: I always pay attention to the Minister of Public Works, but the Minister of Agriculture does not command my attention.

The CHAIRMAN: Is there anything further in section 78?

Mr. MONTGOMERY: I do not think so. That is something the magistrate uses at his discretion.

The CHAIRMAN: Are we agreed on section 78?

Agreed.

The CHAIRMAN: Section 79, fines and so on for non-indictable offences.

79. Any person, who is guilty of any non-indictable offence against this act that is punishable on summary conviction, is liable to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding one year, with or without hard labour, or to both such fine and costs and such imprisonment, and if the fine and costs imposed are not paid forthwith, in case only a fine and costs are imposed, or are not paid before the expiration of the term of imprisonment imposed, in case imprisonment as well as fine and costs is imposed, to imprisonment with or without hard labour, for such term, or further term, as such fine and costs or either of them may remain unpaid, not exceeding three months.

Is there any comment on this?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Gentlemen of the committee, are we agreed?

Mr. BELL (*Carleton*): I think Mr. Pickersgill really has a point and although it is too late in our deliberations now, I think these penalty sections at some stage should be tidied up by the Justice Department to bring them into line with the Criminal Code. All this "with and without hard labour" I think is no longer in the Code in that form. But it would take us too long at this revision. At some stage, I think we should tidy up all these sections in that way.

The CHAIRMAN: Any further comments? Are we agreed.

Agreed.

The CHAIRMAN: Section 80, disqualification for corrupt act and additional penalties.

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall ipso facto become disqualified from voting and incompetent to vote at such election; and he shall also in addition to any other punishment for such offence by this or any other act prescribed, forfeit to any person who in any competent court sues therefor

- (a) for every offence that is a corrupt practice, the sum of two hundred dollars and costs; and
- (b) for every offence that is an illegal practice, the sum of two hundred dollars and costs.

Any comment?

Mr. PICKERSGILL: I wonder if the chief electoral officer can give statistics on how many people were disqualified from voting under this section at the last election?

Mr. CASTONGUAY: I have not any statistics that I can give you. I think they could be counted on one hand, if there were any.

Mr. BELL (*Carleton*): I would personally like to stop this section at the semicolon in the fourth line. We have already dropped the common informer. I do not see any harm in dropping this common informer provision. A man who has been guilty of a corrupt or illegal practice is already going to have the penalty that the criminal court will impose. Why should he have the civil penalty as well: because of this disreputable character who comes in as a common informer? I do not think it has been used for many years.

Mr. PICKERSGILL: I must say I agree with Mr. Bell.

The CHAIRMAN: This is the suggestion, to delete what follows the semicolon on line four. Is that acceptable to the committee? Agreed?

Agreed.

The CHAIRMAN: Is there anything further on No. 80?

Agreed.

The CHAIRMAN: Section 81, corrupt or illegal practices.

81. Any person, who

- (a) in any report made to the Speaker of the House of Commons on an election petition, is named as having been found guilty of any offence that is a corrupt or illegal practice, is reported to have been heard on his own behalf and is declared to be a person who should be expressly disqualified as hereinafter provided;
- (b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice, or ordered to pay any sum forfeited because of the commission of any corrupt practice or illegal practice; or
- (c) is, in any proceeding in which after notice of the charge he has had an opportunity of being heard, found guilty of any corrupt practice or of any illegal practice, or any offence which is a corrupt practice or illegal practice; shall, in addition to any other punishment for such offence by this or any other act prescribed be, for a corrupt practice during the seven years or for an illegal practice during the five years, next after the date of his being so reported, convicted, ordered, or found guilty, incapable of being elected to or of sitting in the House of Commons or of voting at any election of a member of that house or of holding any office in the nomination of the crown or of the governor in council.

Any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Gentlemen of the committee, any comment or questions? Are we agreed?

Mr. KUCHEREPA: May I suggest perhaps in section 81(b), you would have to bring that in line with the other actions we have taken. Would that not be in line with what we have just removed from section 80?

Mr. BELL (*Carleton*): Yes.

Mr. KUCHEREPA: Perhaps we should ask the chief electoral officer to look into this technicality.

Mr. AIKEN: Would it not be sufficient, as Mr. Kucherepa has mentioned, to stop subsection (b), section 81 at the words "illegal practice" and the rest of it relates only to the latter part of section 80?

Mr. BELL (*Carleton*): I think that would be satisfactory and I assume the chief electoral officer before our next meeting, will review all these sections to see whether or not there are any consequential amendments flowing from anything we have deleted.

M. CASTONGUAY: I will do that.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 82, candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge.

82. (1) No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence that is a corrupt practice or an illegal practice or be ordered to pay any sum as forfeited because of the commission of any corrupt practice, or illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

- (a) the candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent.

(2) Nothing in this section prevents the avoidance pursuant to the provisions of the Dominion Controverted Elections Act, of any election in consequence of the commission of any corrupt practice or illegal practice.

Mr. BELL (*Carleton*): The same thing applies here.

The CHAIRMAN: You will take that section under consideration, Mr. Castonguay?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Section 83, election not voided unless illegal practices by candidate or agent.

83. (1) No election shall on the trial of any election petition be voided because of any of the illegal practices referred to in section 22, 38, 40, 44, 71 or 77 unless the thing omitted or done the omission or doing of which constitutes the illegal practice was omitted or done by

- (a) the elected candidate in person;
- (b) his official agent; or
- (c) some other agent of such candidate with such candidate's actual knowledge and consent.

(2) Nothing in this section shall be deemed to impair or affect the provisions of the Dominion Controverted Elections Act.

Is there anything on section 83?

Mr. KUCHEREPA: Again, perhaps the chief electoral officer will have to check it with the sections to see if there are any consequential amendments.

The CHAIRMAN: Is it the thought that there is something in section 83 that requires similar treatment?

Mr. CASTONGUAY: I do not see anything in 83.

The CHAIRMAN: What did you have in mind, Dr. Kucherepa?

Mr. KUCHEREPA: We have been changing some of these sections, so perhaps there is something consequential.



The CHAIRMAN: But is there any reason why we cannot carry on with 83?

Mr. KUCHEREPA: No.

The CHAIRMAN: Are we agreed to that?

Agreed.

The CHAIRMAN: Section 84, non-compliance with act not to invalidate election unless it affected result. Agreed?

Agreed.

The CHAIRMAN: Section 85, removal of disqualification procured by perjury. Any comment on 85? Agreed?

Agreed.

The CHAIRMAN: Section 86, recovery of penalties and forfeitures.

86. (1) All penalties that are by this act expressly made payable by way of forfeiture to any person aggrieved or to any person who sues therefor are recoverable or enforceable with full costs of suit by action of debt or information in any court of competent jurisdiction in the province in which the cause of action arises.

(2) In default of payment of the amount which the offender is condemned to pay, within the period fixed by the court, the offender shall be imprisoned in the common gaol of the county or district for any term less than two years, unless such penalty and costs are sooner paid.

(3) No action or information for the recovery of any such penalty by way of forfeiture shall be commenced unless the person suing therefor has given good and sufficient security, to the amount of fifty dollars, to indemnify the defendant for the costs occasioned by his defence, if the person suing is condemned to pay such costs.

(4) It is sufficient for the plaintiff, in any action or suit under this act, to allege in his pleading or declaration that the defendant is indebted to him in the sum of money thereby demanded, and to allege the particular offence with respect to which the action or suit is brought, and that the defendant has acted contrary to this act, without mentioning the writ of election or the return thereof.

(5) In any such civil action, suit or proceeding, instituted under this act, the parties thereto, and the husbands or wives of such parties respectively, are competent and compellable to give evidence to the same extent and subject to the same exceptions as in other civil suits in the same province; but such evidence shall not thereafter be used in any indictment or criminal proceeding under this act against the person giving it.

(6) In any action, suit or proceeding instituted only for the recovery under this act of a penalty imposed by way of forfeiture, if the right of any person (in this section referred to as "the voter") to vote, or to vote at any particular place, at an election, is questioned or involved, the burden of proof of the voter being entitled to vote, or to vote at such particular place, is upon the voter or such other person as is the accused or defendant in such action, suit or proceeding, and not upon the person suing or instituting the proceeding.

Mr. BELL (*Carleton*): It seems to me that 86 is totally unnecessary. This law exists elsewhere, and I would suggest that the chief electoral officer consult the Department of Justice or the assistant chief electoral officer, who is a very distinguished member of the bar, and he could review it and see if these sections are required in the act. For instance, subsection (5) makes a husband

and wife competent and compellable to give evidence. I think that must have gone in long years ago, in relation to what then was the law that husband and wife were not compellable, whereas, under the Evidence Act they now are.

The CHAIRMAN: Is that suggestion to let it stand agreed to let it stand? Agreed. We will let it stand and let the chief electoral officer look at it.

The CHAIRMAN: Section 87, no privilege from answering questions.

87. (1) Subject to this section, no person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, commissioner or other tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto on the ground of any privilege.

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action, suit or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto.

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

Any comment on that?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Gentlemen of the committee?

Mr. AIKEN: Probably the same comments as were made on 86 should be made on 87. I do not know whether or not there is any change necessary, but it might be examined to see if there is.

Mr. BELL (*Carleton*): I think these sections are just cluttering the act.

Mr. KUCHEREPA: Just making it more difficult to interpret.

Mr. AIKEN: I think they are necessary sections, but they may not be up-to-date in their wording.

Mr. BELL (*Carleton*): Are they necessary in this section, if they are provided elsewhere in the act?

The CHAIRMAN: We will stand that one over then. Is that agreeable? Agreed.

The CHAIRMAN: Section 88, production of writ of election, and so on, not required in suits. Is there any comment on that?

Mr. CASTONGUAY: No.

The CHAIRMAN: Members of the committee? Agreed? Agreed.

The CHAIRMAN: Section 89, criminal court may allow costs to prosecutor. Any comment on this?

M. CASTONGUAY: No comment.

The CHAIRMAN: Are we agreed? Agreed.

The CHAIRMAN: Section 90, in a suit for criminal corrupt practice, what allegation sufficient. Any comment?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Members of the committee? Agreed?

Agreed.

The CHAIRMAN: Section 91, person liable summoned to court.

91. (1) Whenever it appears to the court or judge trying an election petition that any person has violated any of the provisions of this act, for which violation such person is liable to a fine or penalty other than the fines or penalties imposed for any offence amounting to an indictable offence, such court or judge may order that such person may be summoned to appear before such court or judge, at the place, day and hour fixed in such summons for hearing the charge.

(2) If, on the day so fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or penalty as he is liable to pay for such violation, and in default of paying such fine or penalty to the imprisonment prescribed in such case by this act.

(3) If, on the day so fixed, the person summoned does appear, the court or judge, after hearing such person and such evidence as is adduced, shall give such judgment as to law and justice appertains.

(4) All fines and penalties recovered under subsections (1), (2) and (3) belong to Her Majesty for the public uses of Canada, but no fine or penalty shall be imposed thereunder if it appears to the court or judge that the person has already been sued to judgment or acquitted with respect to the same offence, nor shall any such fine or penalty be imposed for any offence proved only by the evidence or admission of the person committing it.

Any comment on that?

Mr. CASTONGUAY: No comment.

Mr. BELL (*Carleton*): I confess I do not understand why it is necessary at all.

Mr. AIKEN: What, 91?

Mr. BELL: Yes.

The CHAIRMAN: Do you have a comment on that comment, Mr. Castonguay?

Mr. CASTONGUAY: No.

Mr. BELL (*Carleton*): Surely if a court is trying an election petition, that court has the right to order a person to appear at the date and hour fixed. Why do we need that in the Election Act? This is part of the law. All these things are otherwise provided either in the Evidence Act or the Criminal Code.

Mr. CASTONGUAY: I think it would take some time if you are going to make a review of these provisions. I am speaking of the time of the Department of Justice and ourselves. To prepare a detailed report for the committee on this, I do not know whether we would be able to have it, say, for the next meeting, if we are going into the whole thing.

Mr. AIKEN: Mr. Chairman, it seems that section 91 really provides a penalty somewhat less than contempt of court, but if the trial judge had only the authority to summon persons and they refused to answer, I think the only remedy would be contempt of court. This gives an additional charge to be laid against any person who does not provide facts. While it may be partially unnecessary, I think there is a special provision in here for election proceedings, and I do not see any reason for removing it.

The CHAIRMAN: Is there anything further? Agreed?

Agreed.



The CHAIRMAN: Section 92, limitation of time for prosecutions and suits. Any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Members of the committee? Are we agreed?  
Agreed.

The CHAIRMAN: Section 93, quarter or general sessions court incompetent.

93. Notwithstanding anything in the Criminal Code, no indictment for an offence that is a corrupt practice or an illegal practice shall be tried before any court of quarter sessions or general sessions of the peace.

Mr. BELL (*Carleton*): Why would section 93 be necessary? Why should not a corrupt or illegal practice be tried in the court of general sessions? That is the normal place for offences of that type to be tried.

I confess I am now starting to talk like a lawyer and not a parliamentarian, but it seems to me a lot of this is just archaic—since the memory of man runneth not to the contrary. I would put on the record that before this act is again revised, we ought to eliminate all the things of this sort which I venture to suggest are unnecessary, in the light of their being provided in the Evidence Act and the Criminal Code or in other statutes.

The CHAIRMAN: Any further comments? Agreed?

Agreed.

The CHAIRMAN: Section 93, we have just disposed of. We have dealt with 94 to 99 inclusive, and 99 has been dealt with through a merger with No. 5. We now break the 100 mark.

Mr. AIKEN: Then we get to 101.

The CHAIRMAN: Section 100, who shall not be appointed election officers.

100. (1) Subject to this section, none of the following persons shall be appointed as election officers, that is to say:

- (a) members of the Queen's privy council for Canada or of the executive council of any province of Canada;
- (b) members of the senate or of the legislative council of any province of Canada;
- (c) members of the House of Commons, or of the legislative assembly of any province of Canada, or of the council of the Northwest Territories or the Yukon territory;
- (d) ministers, priests or ecclesiastics of any religious faith or worship;
- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon territory and the Northwest Territories, police magistrates;
- (f) persons who have served in the parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;
- (g) persons who have been found guilty by the House of Commons, or by any court of the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this act or any provincial act relating to elections, or under the Disfranchising Act;
- (h) persons convicted of any indictable offence; or
  - (i) aliens.

(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act.

(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in schedule four, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising any power conferred upon him by this act.

Mr. BELL (*Carleton*): Under section 100, Mr. Chairman, surely (i) in subsection (1) is unnecessary in view of subsection (2). An alien is not entitled to vote and subsection (2) eliminates him.

Mr. KUCHEREPA: Is there not some problem in the northern parts of Canada relative to this matter?

Mr. CASTONGUAY: No.

Mr. PICKERSGILL: I think Mr. Bell is quite right, subsection (2) seems to do away with the (i) part of subsection (1).

I also would like to know, why this gross discrimination in (a) of subsection (1). There are a very large number of unemployed members of the Queen's Privy Council, and if some of them want to pick up \$18 on election day it does seem to me to be a little unfair and discriminatory.

Mr. BELL (*Carleton*): The hon. gentleman is looking to the future.

Mr. PICKERSGILL: I would still be ineligible myself because I will not be a candidate.

Mr. AIKEN: Mr. Chairman, in connection with paragraph (g), I would like to ask the chief electoral officer if the Disfranchising Act is still in effect?

Mr. CASTONGUAY: Yes, it is.

Mr. AIKEN: There has not been any recent alteration?

Mr. CASTONGUAY: I have never had any occasion to use it in at least 35 or 40 years, to my knowledge.

Mr. AIKEN: But it is still on the books?

Mr. CASTONGUAY: Yes, still on the books.

Mr. BELL (*Carleton*): Does it need to remain there?

Mr. CASTONGUAY: I would have to look at it.

The CHAIRMAN: I take it, then, there is general agreement that subsection (1) (i) might be deleted without damage to anything.

Mr. MONTGOMERY: I would like to raise a question under (e), Mr. Chairman. Police magistrates—that word has different meanings sometimes. In New Brunswick now we have generally sort of appointed magistrates who are on salary. I think that would apply to them. But we also have what we call magistrates that get no salary, but are justices of the peace and hold courts. Then we have another type of magistrate with a little more authority, and so on. That would not apply to those people, would it?

Mr. CASTONGUAY: It is only in the Yukon and the Northwest Territories—"and in the Yukon territory and the Northwest Territories, police magistrates."

Mr. MONTGOMERY: I guess I can't see very well.

Mr. MCGEE: Just coming back to what Mr. Bell was talking about a moment ago about cleaning a lot of this stuff out of here, and Mr. Castonguay indicated this would be quite a lengthy process to review this, I am wondering if perhaps on second thought we should not instruct the department to proceed with all possible haste and come back to the committee with recommendations on these unnecessary duplications, rather than waiting for the next time the act is reviewed.

Mr. CASTONGUAY: The only comment I have to make on that suggestion would be that this would require quite a lengthy study of the Criminal Code, and all the various other acts, and I think we could not do this in a matter of weeks. It would only be a very cursory report, and I would not be happy about giving it to the committee in a short time. I think this would require a lengthy study by counsel and consultations. I think to review this thing and do it properly would take at least six months, to have a good report.

Judging from experience with other matters in drafting and studying legislation, to do something in a hurry you are going to make a very poor job of it if sufficient time is not allowed for such a study.

Mr. MCGEE: I was just trying to get a clearer idea of how much time was involved and if it is as long as six months—

Mr. CASTONGUAY: I would say six months before we would be happy to come to the committee with something constructive and something to which we had given some thought.

Mr. MCGEE: Would you wish to have specific instructions from the committee to proceed with that task, or would you go ahead in any case on what has been said?

Mr. CASTONGUAY: I think we would go ahead on what has been said in this committee; and when another committee is set up I would use the instructions given by this committee and come forward with something along this line.

There may be people who could do it a lot faster than I could, but I would not like to bring a report to the committee in less than six months, and maybe even six months would not be sufficient.

Mr. AIKEN: Mr. Chairman, there does not seem to be anything objectionable in any of these penalty provisions. There may be alternate remedies in addition to what would be in the normal course, but I did not see anything there, reading it over before I came in this morning, that is objectionable. Perhaps it could be reworded to advantage; but I would not like to see us agree here on a revision of the wording. There are so many interrelated subjects. It would almost be like amending the Criminal Code, or sections of it, which took a long time to do in the code itself.

Mr. BELL (*Carleton*): I am not suggesting there is anything objectionable, as such, but I do suggest there is very great redundancy, and I think there is merit in attempting to reduce the volume of the act. These matters, which are rarely of any interest to the ordinary person who is reviewing the act, are the technical matters of procedure in the courts and I do think should remain in the acts that are appropriate to them, the Evidence Act and the Criminal Code. I think in practically all these cases there are provisions there—provisions which are much more up to date than the provisions of this act.

Mr. CASTONGUAY: No chief electoral officer, to my knowledge, has ever felt that he was entitled to bring forward suggestions of that type to the committee. One section of the act only permits the chief electoral officer to make suggestions to the House of Commons for the better administration of the law. My predecessors have always interpreted that as meaning to stick with the mechanical part of the act, and not to get into matters of principle, which are the responsibility of the house. So I have never undertaken—and my predecessors never have—a study of this type for that very reason, that it is stepping out of our jurisdiction completely to suggest to the house a change in fundamental principles or to suggest it to a committee. But in the light of what was said today I would be happy to go ahead and have a study made. After the next general election, when another committee is set up, I would feel quite comfortable to come forward with a proposition of this type, having been instructed by this committee that that is the desire, to bring it in line.



Mr. PICKERSGILL: Mr. Chairman, I think we ought really to leave it at that, because I think if we look at our terms of reference we will probably find we have not got the power to make any formal recommendation of this type to the chief electoral officer anyway.

Mr. BELL (*Carleton*): Yes.

Mr. PICKERSGILL: In this informal way we have got what we wanted.

There is one point I would like to raise about the (e) part of subsection (1) and subsection (3) in connection with it. There are certain constituencies in schedule 4 that apparently this does not apply to. I have not looked it up, but I just wondered what the reason was.

Mr. CASTONGUAY: The Yukon and Northwest Territories, mostly.

Mr. PICKERSGILL: It is where there are no other persons available.

Mr. MONTGOMERY: Nomination day is 28 days before polling day.

Mr. PICKERSGILL: I was wondering if this would not also be true in certain parts of Grand Falls, White Bay and Labrador, for example, and in view of the recent change in giving the franchise to Indians, there might not be other places where that might be necessary.

Mr. BELL (*Carleton*): It is provided in schedule 4.

Mr. CASTONGUAY: Schedule 4 has the names of about 31 districts, including Grand Falls-White Bay-Labrador.

Mr. PICKERSGILL: You feel that all the places where this is likely to arise are covered in schedule 4?

Mr. CASTONGUAY: Yes.

Mr. PICKERSGILL: There is also another aspect of the matter. I do not think it has any practical importance, but there are certain religious sects where all believers claim to be ministers, and there may be a kind of discrimination here.

The CHAIRMAN: Do you have a comment, Mr. Bell?

Mr. BELL (*Carleton*): I want to raise a point in connection with paragraph (h) of subsection (1). "Persons convicted of any indictable offence"—this is apparently in perpetuity. There are many very respectable citizens who at some time in their lives have been convicted of an indictable offence, the offence of dangerous driving, shall we say, and then there are those persons who at the moment are restrained in the liberty of their movements. Under section 14, subsection (2), such persons undergoing punishment for an indictable offence are prohibited from voting.

It seems to me that after a man has been punished for an offence, why should he not come back and be entitled to act as an election officer?

Mr. KUCHEREPA: Perhaps the people who framed this section might have had in mind those who committed an indictable offence under this act.

Mr. CASTONGUAY: That is in (g).

Mr. BELL (*Carleton*): I think (g) should stand. A person who has committed an election offence and has shown his general unreliability ought to be treated differently than a man who has been convicted of an indictable offence relating to the operation of a motor vehicle.

Mr. RICHARD (*Ottawa East*): They may have robbed five banks.

Mr. PICKERSGILL: It is the returning officer who should be removed, and not the person appointed. I think I agree with Mr. Bell this is really a relic of another age.

The CHAIRMAN: Are we agreed to the deletion of (h) and (i) in the subsection?

Mr. AIKEN: No, Mr. Chairman. There is something which perhaps we have not considered and it is one of the dangers of offhandedly knocking sections out

of the act. Subsection (1) of section 100 refers to election officers. We have been going on the assumption that subsection (2) deals with election officers, and that is not necessarily the case. The persons mentioned in subsection (1) are different than the persons in subsection (2), according to the interpretation section. Under the interpretation section an election officer is a much broader term than in subsection (2), which merely lists certain persons.

Mr. BELL (*Carleton*): Well, the only people in the interpretation section are the chief electoral officer and the assistant chief electoral officer.

Mr. AIKEN: And "any other person having any duty to perform pursuant to the act."

Mr. PICKERSGILL: The only person I can see who is prohibited in subsection (2) is a constable.

Mr. BELL (*Carleton*): That is right.

Mr. CASTONGUAY: Or scrutineers.

Mr. AIKEN: Or revising agents or any person like that who might have some other—

Mr. CASTONGUAY: Revising agents are in under the amendment we made, which is consequential to the revising agent plan.

Mr. AIKEN: But a revising agent in subsection (1) will not be in subsection (2).

Mr. CASTONGUAY: He will be under the amendment we had made. We have amended section 100 already. His office is included in (2), but there are two other types that come to mind—a scrutineer under the armed forces voting regulations who does the sorting and counting of the votes for the armed forces, and the special deputy returning officer who takes the votes of veterans in D.V.A. institutions.

Mr. PICKERSGILL: Of course, they cannot comply with subsection (2) anyway, because they have nothing to do with elections.

Mr. AIKEN: My point is, subsection (1) in restricting election officers has a much broader coverage than subsection (2).

Mr. BELL (*Carleton*): Is that a reason for leaving in (h) and (i)?

Mr. AIKEN: There could very well be an alien appointed to some of these positions.

Mr. CASTONGUAY: No, every election officer must be a qualified elector except the scrutineer and the deputy special returning officer.

Mr. AIKEN: That is what I cannot see in subsection (1), that every election officer should be.

Mr. CASTONGUAY: But that is in the section dealing with the appointment of these persons and it also set out in their oaths.

The CHAIRMAN: Anything further on Mr. Bell's suggestion?

Mr. MONTGOMERY: It seems to me this is a list they have just added. It is not taking up very much room.

Mr. PICKERSGILL: No, but I think the disability in (h) is one, speaking for myself, that I do not like to leave there. We might leave the word "aliens" or not, that is a matter of indifference. They will not be covered, whether they are in there or not. I would think if you were going to be conscientious about this you would have to ask everybody you appointed, if you did not know everything about them, "Were you ever convicted of an indictable offence?" before you appointed them. That kind of thing, going into people's pasts, I do not think is necessary.

The CHAIRMAN: There does not seem to be any unanimity on this matter, and I think we will have to take the consensus of the meeting in a more formal way before we can go on with this matter.

Mr. AIKEN: I think it will have to be all or nothing. If we are going to remove it we are going to have to leave it that if you wanted to appoint, as Mr. Richard said, somebody who has robbed a bank five times, as well as some other person who has been convicted of dangerous driving, under this we cannot try to sort them out. There is either no limitation or a complete limitation.

Mr. RICHARD (*Ottawa East*): Quite.

Mr. AIKEN: I would be inclined to agree with deleting (h).

Mr. BELL (*Carleton*): I move that paragraph (h) be deleted.

The CHAIRMAN: All in favour? Opposed?

Agreed to.

Mr. PICKERSGILL: I am rather curious about the wording of subsection (f).

Mr. BELL (*Carleton*): The last part of it would apply to a by-election.

Agreed.

The CHAIRMAN: I take it it is understood that we have knocked out (i) of subsection (1) by unanimous consent?

Mr. AIKEN: Have we had a vote on it?

Mr. MONTGOMERY: I thought it was (h) that I was voting on.

Mr. PICKERSGILL: In order to get the consensus of the committee I will move that it be struck out.

Mr. McWILLIAM: I will second that.

The CHAIRMAN: Mr. Pickersgill moves and Mr. McWilliam seconds it, that (i) be deleted. Those in favour? Opposed?

As I said, we vote to strike out (i).

Agreed.

The CHAIRMAN: I propose to stand section 101 until the next meeting.

I do not want to get into a long procedural discussion, but there is a matter connected with the Canadian forces voting regulations. I was checking to get the precise title here. There will be a statement from the Department of National Defence, and I believe the parliamentary secretary is interested in presenting that. I would suggest that he have his memorandum circulated to all the members before that meeting. That will come up at a subsequent meeting.

In terms of sections we would seem to be close to the end of our study. If there is any desire to have an extra meeting at any time, like tomorrow, that matter could be taken up either by the steering committee or following that hearing.

I would like to direct your attention to the amendments—

Mr. BELL (*Carleton*): Am I, on 101, to understand it is being deferred to the convenience of the chair, who will consult with interested members as to what is the best time in which to bring that on, and all the persons we may want to have here to assist us at the time that this problem is being considered?

The CHAIRMAN: Yes.

We are circulating now some amendments to various sections which we had studied, and asked the chief electoral officer to bring back suggested revisions. These refer to sections 49, 54, 62 and 66. They are now being distributed. We shall take them up in that order—49, 54, 62 and 66. Have all members copies?

We will direct our attention to section 49.

Mr. McGEE: Perhaps if we could have these distributed in advance at any future meetings so we would have a chance to look at them.



The CHAIRMAN: That might be a good suggestion, Mr. McGee.

Are we all documented? All right, section 49, subsection (1). The change here is from "one mile" to "half a mile".

49. (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within half a mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Mr. BELL (*Carleton*): Agreed.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Subsection (2) deals with certain archaic expressions.

(2) The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Now, subsection (3).

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the ordinary polling day; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the ordinary polling day.

Mr. BELL (*Carleton*): This meets the point, as Mr. Caron put it forward the other day.

The CHAIRMAN: It is the deletion of the day preceding polling and leaving in the expression "polling day", which we agreed to.

Mr. KUCHEREPA: Under subsection (3), Mr. Chairman, it specifically refers to "No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles." It does not say anything about his person.

Mr. CASTONGUAY: That is the other subsection.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Now, section 54, in which we increase from \$100 to \$250.

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible

witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of two hundred and fifty dollars in legal tender as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 62, subsection (7), from \$10 to \$25.

(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than twenty-five dollars, be vouched for by a bill stating the particulars and by a receipt.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 66, we have here alternative suggestions on separate pages A and B.

#### "A"

(2) Subsection (1) does not apply to

- (a) an official agent who, as an election expense, provides light refreshment at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or
- (b) any person other than an official agent who at his own expense furnishes light refreshment at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election, provided such meeting is held at such person's usual place of residence where such residence is a private house.

#### "B"

(2) Subsection (1) does not apply to

- (a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or
- (b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election, provided such meeting is held at such person's usual place of residence where such residence is a private house.

Mr. CASTONGUAY: I prepared "A" in the light of Mr. Aiken's suggestion to use the expression "light refreshment." In "B" I thought the committee might like to have something spelled out in the light of Mr. Pickersgill's suggestion that persons other than lawyers should be able to understand it too.

Mr. PICKERSGILL: I am not even sure that lawyers would understand the expression "light refreshment."

Mr. KUCHEREPA: That is one for the courts to decide.

Mr. BELL (*Carleton*): Mr. Pickersgill is not suggesting that what lawyers take is other than light refreshment.

Mr. PICKERSGILL: I am thinking of Lord Birkenhead, the late Lord Birkenhead.

Mr. AIKEN: Mr. Chairman, I feel that I would like to withdraw my previous suggestion. The chief electoral officer has, I think, made a very good effort in illustration "B" to define what we had in mind, and I think it there makes it clear that light refreshments do not include anything alcoholic. And it does not include anything that might be objectionable in the way of a full meal. Alternative "B" looks very suitable to me.

Mr. KUCHEREPA: And it spells everything out.

The CHAIRMAN: Are you satisfied with the list of the items? For instance, what do you do if you have some ice cream?

Mr. AIKEN: "Such as sandwiches, cakes, cookies and drink such as tea, coffee, milk," I think that sets the qualification.

The CHAIRMAN: In some temperate parts of the country that is the sort of thing that is used in social gatherings connected with political campaigns.

Mr. McWILLIAM: What about the other part?

Mr. BELL (*Carleton*): There still exists a problem in "B" and that makes it impossible for other than an official agent to pay for such refreshments in a public place, in other than a person's residence. I think the great majority of these parties are paid for by women's associations in constituencies. They make most of the sandwiches themselves and buy the tea or coffee. That type of thing would be still illegal under this draft.

Mr. CASTONGUAY: If it is corruptly done.

The (b) of "B" is a copy of the three provincial acts, which have this (b). It is a sort of a crib of their provision. There are three provinces that have shown a little interest in this question. The other provinces have restrictive provisions similar to ours now; but three provinces have (b) in that form. I have just cribbed it from their provision. The other provinces have the same 66 as we have.

Mr. KUCHEREPA: To cover Mr. Bell's point, could there be a slight addition at the end of (b) to provide for the situation to which he refers, whereby an organization could do this?

Mr. CASTONGUAY: I think the problem would be to define the organization.

Mr. AIKEN: I think it is sufficiently covered by the use of the words "any person." Surely some one person is responsible for it.

Mr. KUCHEREPA: But in the last phrase you have "a private house," which spells out the limitation in that regard.

Mr. BELL (*Carleton*): The position Mr. Caron spoke of the other morning of a candidate in his constituency in a provincial election who had just attended a function in a parish hall put on by the women's Liberal association, that would still be caught under these exceptions.

Mr. MONTGOMERY: I am inclined to think that it is a little bit too narrow.

Mr. KUCHEREPA: I would suggest we drop everything below the word "election" and drop all the portion, the last three lines.

Mr. BELL (*Carleton*): And it goes up in (a).

Mr. KUCHEREPA: Oh, yes, you would still have to have (a).

Mr. PICKERSGILL: I think you do in (a) in order to make it quite clear that it is legal for an official agent to pay for it.

The CHAIRMAN: Is this suggestion agreeable?

Mr. KUCHEREPA: Has the chief electoral officer any comment on dropping the last three lines?



Mr. CASTONGUAY: I purposely drew it narrow because I did not know to what extent the committee wanted to go on this. If you want to drop it, that is fine.

The CHAIRMAN: Is this suggestion agreeable, then,—the deletion of the last three lines and a period after “election”?

Mr. AIKEN: Will that leave subsection (a) and (b) identical except for the use of the words “official agent”?

Mr. KUCHEREPA: No, but that permits the official agent to do this at his own expense.

Mr. AIKEN: I am considering whether the two subsections should now be combined.

Mr. CASTONGUAY: I would prefer to see them separate because there is one the official agent can claim as a legitimate expense. It is in that (b) to have anyone else who wants to go out and make it legitimate for them to do it.

The CHAIRMAN: Is that agreed, then?

Agreed.

The CHAIRMAN: It is now ten to eleven—

Mr. BELL (*Carleton*): We could cover some more, could we not?

The CHAIRMAN: We can pick up some more.

Mr. BELL (*Carleton*): There is nothing controversial about the ones starting at 102, I think.

The CHAIRMAN: Shall we direct our attention to section 102, then, on page 255? Any comment on that, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Members of the committee? Are we agreed?

Agreed.

The CHAIRMAN: Section 103, any comment on that?

Mr. CASTONGUAY: No comment.

Mr. CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 104, communication by telegraph.

104. (1) Whenever it appears to the satisfaction of the chief electoral officer, at a time when an election is about to be held, that necessary communication for the purposes of the election with or within any electoral district will probably be interrupted during such election by the severity of the season, or by the absence or severance, temporarily, of any other means of communication than that available by telegraph, he may direct that the writ of election and all necessary instructions, information, forms, proclamations, notices, appointments, reports, returns (other than the return of the returning officer as to the result of the election) and other election documents be transmitted to or within the electoral district to or by the returning officer, deputy returning officers, and other election officers, by telegraph.

(2) The chief electoral officer may make such order as to the details of the proceedings at or relating to such election, to be so transmitted by telegraphic communication as to him seems proper for best attaining the purpose of this section.

(3) Every telegraphic communication referred to in this section shall be repeated by the person receiving the messages to the person transmitting the same, in order to insure the correctness of the message received.

Mr. PICKERSGILL: Is the word "telegraph" defined anywhere in the act?

Mr. CASTONGUAY: No, but I understand it.

The CHAIRMAN: Are you satisfied, Mr. Pickersgill?

Mr. PICKERSGILL: Yes.

The CHAIRMAN: Are we agreed on 104?

Agreed.

The CHAIRMAN: Section 105, agreed?

Agreed.

The CHAIRMAN: Section 106, peace and good order at public meetings. Any comment on this?

Mr. CASTONGUAY: No comment.

Mr. CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: No. 107, signed pledges by candidates prohibited. Any comment on this?

Mr. CASTONGUAY: No.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 108, premature publication of election results forbidden.

108. (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, handbill or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this act.

(2) In this section "broadcast" has the same meaning as "broadcasting" in the Radio Act.

Mr. CASTONGUAY: The only comment I have to make on this is the point brought up indirectly by Dr. Kucherepa that some stations south of the border are not prevented from giving these results out. I understand, if there are some British Columbia members here, that there were some charges that these results were being passed over television and radio from Seattle at the last election.

Mr. BELL (*Carleton*): Can it be strengthened?

Mr. CASTONGUAY: I do not see how it could be strengthened.

Mr. HENDERSON: At Dawson Creek the results were coming in long before the election was over.

Mr. CASTONGUAY: We have this within the limit of some towns and villages in Saskatchewan.

Mr. HENDERSON: It is very beneficial.

Mr. CASTONGUAY: I do not see how you can strengthen it.

Mr. HENDERSON: Well, a guy yells, "Diefenbaker is leading by 150 seats."

The CHAIRMAN: You are satisfied with this section?

Mr. HENDERSON: I am very satisfied.

Mr. PICKERSGILL: Maybe it will not be so satisfactory in Dawson Creek the next time.

Mr. MCGEE: Has it not been a trend that both parties have always claimed a cinch in the maritimes in all elections?

The CHAIRMAN: Agreed?

Mr. PICKERSGILL: Before we leave this, I would like to ask the chief electoral officer, does he fix the times in the ridings in Saskatchewan that are up against the Manitoba border on Manitoba time?

Mr. CASTONGUAY: No, it is whatever time prevails in Saskatchewan. You mean where there are two time zones?

Mr. PICKERSGILL: Yes. All the ridings on the Manitoba border must be in both time zones, and I was thinking in terms of publication, if the Manitoba time was used rather than the mountain time.

Mr. CASTONGUAY: In this connection I think there are four or five constituencies involved, and the time has been the same for the four or five. It has been by agreement with the returning officers. Either by accident or design the times have been the same for all these five constituencies. Whether it corresponds to Manitoba time, there is no thought of trying to line it up with Manitoba time.

Mr. PICKERSGILL: I was thinking from the point of view of publication. It may be of some consequence which time was chosen, and I am not sure which would be the better.

Mr. CASTONGUAY: I can look into that.

The CHAIRMAN: Anything further?

Mr. KUCHEREPA: There is one item in 108 which might be important. We say here, "by radio broadcast." We do not mention television.

Mr. CASTONGUAY: In this section broadcasting is the same as it is in the Radio Act, and it is defined there.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 109, procedure to be followed, preparation of lists of electors. Any comment, Mr. Castonguay?

Mr. CASTONGUAY: The procedure works very well for by-elections. This 45-day period would not work out on general elections, but it works at a by-election.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 110.

110. (1) Whenever under the Canada Temperance Act a vote is to be taken, the procedure to be followed shall, in lieu of the procedure therein directed, be the procedure laid down in this act with such modifications as the chief electoral officer may direct as being necessary by reason of the difference in the nature of the question to be submitted, and with such omissions as he may specify on the ground that compliance with the procedure laid down is not required.

(2) Any direction given by the chief electoral officer for a modification of or omission from the procedure directed by this act shall be published by him in the Canada Gazette at least four weeks before the day upon which the vote is to be taken.

Mr. PICKERSGILL: There is no place now left in Canada under the Canada Temperance Act?

Mr. CASTONGUAY: No place left.

Mr. PICKERSGILL: Why could we not delete it?



Mr. CASTONGUAY: The dries could bring it back.

Mr. PICKERSGILL: Maybe if we deleted this section—

Mr. AIKEN: That would not help.

Mr. CASTONGUAY: There would still be the Canada Temperance Act and we would have to take the vote under that.

Mr. AIKEN: Mr. Chairman, I just wondered if the chief electoral officer could tell us why this provision is not merely in the Canada Temperance Act, and why it has been put into the Elections Act?

Mr. CASTONGUAY: I understand the method was to take the vote under the Canada Temperance Act, which is rather cumbersome and troublesome, and in their wisdom they included it here, for the same reason that I am chief electoral officer for the council of the Northwest Territories and for the Yukon territory, and the maintenance of our act applies to both councils, aside from any qualification for electors and for candidates.

Mr. AIKEN: My question was really why this section should not be in the Canada Temperance Act, to see that the voting under this action shall be the same as under the Canada Temperance Act?

Mr. CASTONGUAY: There may have been subtle reasons, or they may have thought it easier to amend the Canada Elections Act than the Canada Temperance Act.

Mr. PICKERSGILL: There is a nice question about whether the Canada Temperance Act could be amended, taking the extraordinary reasons given by the Privy Council for judging that it was within the power of parliament, and they would judge that those provisions would now prevail.

The CHAIRMAN: Are we agreed?

Mr. PICKERSGILL: As a matter of fact, if I thought it would have any effect I would move that it be **struck out**.

The CHAIRMAN: But you are just thinking about moving?

Mr. PICKERSGILL: Yes.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 112.

Mr. PICKERSGILL: I think it is 11 o'clock.

The CHAIRMAN: I was hoping the committee might stay a little longer.

Mr. BELL (*Carleton*): We only have four non-controversial sections we can pass right away.

The CHAIRMAN: If the committee would be agreeable we could deal with these up to 116.

Mr. BELL (*Carleton*): I do not think there is anything controversial at all from 112 to 116.

The CHAIRMAN: Are we agreed to sections 112 to 116?

Mr. KUCHEREPA: Unless the chief electoral officer has anything to say on these.

Mr. CASTONGUAY: I have no comment on them.

The CHAIRMAN: Agreed?

Agreed.

Mr. BELL (*Carleton*): Where do we start at the next meeting?

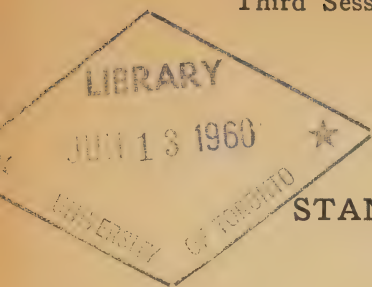
The CHAIRMAN: I think we will start with 111. I will obtain a memorandum and have it distributed, and then we will have a subsequent consultation about 101.



HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960



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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

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TUESDAY, MAY 31, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada. *And from the Department of National Defence:* Brigadier W. J. Lawson, Judge Advocate General; and Captain J. P. Dewis, RCN, Deputy Judge Advocate General.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960



## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie

*Vice-Chairman:* Georges J. Valade, Esq.,  
and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.* —

### CORRECTION—(*English Copy Only*)

PROCEEDINGS No. 12—Thursday, May 19, 1960

*On Page 345—Paragraph 4 should read:*

“Mr. BELL (*Carleton*): As I recollect, there were some constituencies where there was a constable in virtually every poll. I believe in Essex East and Westmorland they had them in every riding. The two ridings which stick in my mind are two ridings in which I do not think they are likely to require such supervision, or that there will be any breach of the peace.”

## MINUTES OF PROCEEDINGS

TUESDAY, May 31, 1960.

(18)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Bell (*Carleton*), Henderson, Hodgson, Howard, Kucherepa, Macquarrie, McBain, McGee, McWilliam, Meunier, Montgomery, Richard (*Ottawa East*) and Webster—14.

*In attendance:* From the Office of the Chief Electoral Officer of Canada: Mr. Nelson Castonguay, Chief Electoral Officer; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer. From the Department of National Defence: Brigadier W. J. Lawson, Judge Advocate General; and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General.

The Committee continued its consideration of the Canada Elections Act.

Mr. Bell (*Carleton*) requested that a correction be made on page 345 of the Committee's Proceedings No. 12.

The Chairman, on behalf of the Committee members, expressed the Committee's sense of loss and regret at the sudden passing of the late Mr. Gordon K. Fraser, M.P., a member of the Committee.

### *On Section 71:*

The Section was reworded to read as follows:

71. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this Act punishable on summary conviction as provided in this Act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

### *On Section 80:*

The Section was reviewed and amended to read as follows:

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall ipso facto become disqualified from voting and incompetent to vote at such election.

### *On Section 81:*

Paragraph (b) was repealed and the following substituted therefor:

(b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice; or

### *On Section 82:*

Subsection (1) was repealed and the following substituted therefor:

82. (1) No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons

as having been found guilty of any corrupt practice or any illegal practice; or before any court be convicted of having committed at an election any offence that is a corrupt practice or an illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

- (a) the candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent.

*On Section 90:*

Subsection (1) was repealed and the following inserted therefor:

90. (1) In an indictment or prosecution for a corrupt practice or an illegal practice, it is sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this Act, or otherwise, as the case requires.

*Sections 71, 80, 81, 82 and 90 were adopted as amended.*

*Section 86 of the Act was repealed.*

On motion of Mr. McWilliam, seconded by Mr. Webster,

*Resolved*,—That the various forms in Schedule one to the Act to be adopted, as amended by the Committee. *Carried unanimously.*

Schedule four to the Act was adopted.

*On Schedule three:*

The Committee then proceeded to consider the sections of the Act respecting the Canadian Forces Voting Regulations.

Brigadier Lawson outlined the proposals being made to amend the Canada Elections Act; and he referred to the amendments being proposed in the form of a *Draft Bill*.

Mr. Castonguay replied to the points raised by Brigadier Lawson.

Brigadier Lawson and Mr. Castonguay were questioned further.

Mr. Hodgson moved, seconded by Mr. Richard,

That the *first* proposal put forward by the Judge Advocate General be deleted. *Carried unanimously.*

*Agreed*,— That the second and third proposals be adopted.

*On Proposal No. 4:*

Mr. Bell moved, seconded by Mr. Kucherepa,

That the months January and February replace December in the present regulations respecting registration of place of *ordinary residence*, with the proviso: "except during the period commencing on the day of the issue of a writ ordering an election and ending on the day following civilian polling day."

Proposal Nos. 5 and 6 were adopted.



*On Schedule Three to the Act, (Canadian Forces Voting Regulations) Paragraphs 1 and 4 allowed to stand.*

Paragraphs 2, 3, 5 to 8, 10, 11, 13, 14, 16 to 18, 20, 23, 24, 26, 27, 29, 30, 32, 34 to 36, 38 to 48, 50 to 86, 88 to 92 were adopted.

Paragraph 9 was amended and adopted, as amended, as follows:

*Nominating, appointment, oath and tenure of office of scrutineers.*

9. The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Regulations, appoint six persons to act as scrutineers in the headquarters of each special returning officer; three of such six scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of the political group having the third largest recognized membership in the House of Commons; each scrutineer shall be appointed in Form No. 3, and shall be sworn according to the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him in these Regulations; the tenure of office of a scrutineer ceases immediately after the counting of the votes has been completed.

A new Paragraph 9A was adopted as follows:

9A. When, after the date of the issue of the writs ordering the general election, it appears that the number of scrutineers provided in paragraph 9 is not sufficient, the Chief Electoral Officer shall appoint the additional number of scrutineers required; such additional scrutineers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in paragraph 9; every such additional scrutineer shall be appointed and sworn as prescribed in the said paragraph.

Paragraphs 12 (g), 14 and 19 were adopted as amended previously.

Paragraphs 22 and 25 were allowed to stand.

Paragraphs 28 and 31 were adopted as amended previously.

Paragraph 33 was adopted subject to review.

Paragraph 37 was adopted as amended this day, and reads as follows:

37. (1) A Canadian Forces elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the deputy returning officer, who shall deface it and deliver another to the Canadian Forces elector in its place.

(2) Any ballot paper that has been defaced pursuant to subparagraph (1) shall be classified as a spoiled ballot paper, and when the voting is completed, shall be transmitted to the commanding officer, together with all counterfoils, declarations completed by representatives of political parties and unused ballot papers and envelopes.

(3) The commanding officer shall forthwith transmit to the appropriate special returning officer all spoiled ballot papers, counterfoils, declarations made by representatives of political parties, unused ballot papers and envelopes in his possession or received from deputy returning officers.

Paragraph 49 was adopted, as amended this day as follows:

49. For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint six persons

to act as deputy special returning officers in each voting territory; three of such six deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of the political group having the third largest recognized membership in the House of Commons; each deputy special returning officer shall be appointed on Form No. 11, and shall be sworn according to the said Form No. 11, before a special returning officer, or a justice of the peace, or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him in these Regulations.

Paragraph 87 was adopted, as amended this day, as follows:

87. Where after nomination day a candidate withdraws, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every deputy returning officer designated by him to take the votes of Canadian Forces electors of such withdrawal, and such deputy returning officer or the deputy special returning officers shall inform the Canadian Forces electors or Veteran electors concerned as to the name of the candidate who has withdrawn when such electors are applying to vote; any votes cast by Canadian Forces electors or Veteran electors for a candidate who has withdrawn are null and void.

At 12.20 p.m. the Committee adjourned until 9.30 a.m., Thursday, June 2, 1960.

E. W. Innes,  
*Clerk of the Committee.*

## EVIDENCE

TUESDAY, May 31, 1960

The CHAIRMAN: Gentlemen, the meeting will come to order.

I know you will all share with me the feelings which we had that prompted cancellation of our meeting on Monday, the passing of our colleague and member of this committee, Mr. Gordon Fraser. Mr. Fraser was not able to meet with us very often because of his heavy responsibilities with his own committee, a very important and difficult committee upon which he spent a great deal of time. On more than one occasion, however, he mentioned to me his interest in this committee. Last week he told me he hoped he would be soon able to attend. I know you will join with me in my expression of deep sympathy to those who mourn his passing and an expression of our own deep regret at this tragedy which has struck us.

Mr. BELL (*Carleton*): May I make a correction at page 345 of our record. At that time we were discussing the question of constables at various polls. I am quoted as mentioning the constituency of West York. What I actually said was the constituency of Westmorland. The particular sentence should read: "I believe in Essex East and Westmorland they had them in every poll."

The CHAIRMAN: Thank you. That will be noted.

Now, before we proceed to the question of the Canadian forces voting regulations, there are before you a few amendments to sections which we discussed previously. These amendments have been drafted in line with the consensus of view of the committee.

The first one is that subsection 3 of section 70 of the act is repealed.

Mr. BELL (*Carleton*): That is the common informer section which we agreed upon at the last meeting?

The CHAIRMAN: Yes.

Are we agreed to the repeal of this subsection?

Agreed.

The CHAIRMAN: Section 71 of the said act is repealed and the following substituted therefor:

71. Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this act punishable on summary conviction as provided in this act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.

This is in substitution for the section at the bottom of page 240.

Mr. Nelson CASTONGUAY (*Chief Electoral Officer*): This takes out the words "Upon its face" in the present section.

The CHAIRMAN: Are we agreed?

Agreed.

The CHAIRMAN: Section 73 of the act is repealed. Are we agreed?

Agreed.



The CHAIRMAN: Section 80 of the act is repealed and the following substituted therefor:

80. Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall ipso facto become disqualified from voting and incompetent to vote at such election.

The original section is found on page 243. Is there any comment on that? Are we agreed.

Agreed.

The CHAIRMAN: Paragraph (b) of section 81 of the act is repealed and the following substituted therefor:

(b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice; or

Are we agreed?

Agreed.

The CHAIRMAN: Subsection (1) of section 82 of the act is repealed and the following substituted therefor:

82. (1) No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence that is a corrupt practice or an illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

(a) the candidate in person;

(b) his official agent; or

(c) some other agent of the candidate with the candidate's actual knowledge and consent.

Is there any comment on that? Are we agreed?

Agreed.

The CHAIRMAN: Section 86 of the act is repealed. This section is at page 245. Are we agreed that this section be repealed?

Agreed.

The CHAIRMAN: Subsection (1) of section 90 of the act is repealed and the following substituted therefor:

90. (1) In an indictment or prosecution for a corrupt practice or an illegal practice, it is sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this act, or otherwise, as the case requires.

The original section is found at page 247

Have we any comment?

Are we agreed?

Agreed.

The CHAIRMAN: Paragraph (h) and (i) of subsection (1) of section 100 of the act are repealed.

Are we agreed?

Agreed.

The CHAIRMAN: There is another matter. We have discussed most of the forms in the act. I am wondering if the committee now is ready to give its agreement to those forms as amended, and the others which we thought it not necessary or desirable to amend. These are the forms numbered 1 to 66.

Mr. RICHARD (*Ottawa East*): Will they be the same numbers?

Mr. CASTONGUAY: The same numbers.

Mr. MONTGOMERY: Starting with form No. 1?

The CHAIRMAN: Yes.

We have been dealing with these by consequential amendment all the way through. If the committee is prepared to dispose of this matter now we will then have only section 101, the Canadian services voting matter, and section 38, which we will take up when Mr. Pickersgill is here.

Mr. BELL (*Carleton*): Do I understand that the chief electoral officer has no comment in respect of any of the forms.

Mr. CASTONGUAY: I have no suggestions to make to improve them. There are quite a few we have amended already.

Mr. McWILLIAM: How many forms are affected now?

Mr. CASTONGUAY: Approximately 29.

Mr. RICHARD (*Ottawa East*): Have they been drafted?

Mr. CASTONGUAY: There have been consequential amendments to matters which you have approved already; you had the amendments before you.

Mr. McWILLIAM: I would move that the forms be so amended and adopted.

The CHAIRMAN: Mr. McWilliam moves and Mr. Webster seconds that the forms be so amended and that the others stand in their present form.

Is it agreed?

Agreed.

The CHAIRMAN: Thank you.

Mr. BELL (*Carleton*): Schedule 2 is repealed?

The CHAIRMAN: Yes.

Mr. BELL (*Carleton*): When will we take schedule 4?

Mr. CASTONGUAY: That is on page 319.

The CHAIRMAN: Schedule 4, page 319. Is there any comment on that?

Mr. CASTONGUAY: I have only one suggestion. It has been suggested that the electoral district of Acadia in Alberta should be included in this list of electoral districts in which nomination day is 28 days before polling day. I think Acadia should not be included.

Mr. BELL (*Carleton*): Has this been discussed with Mr. Horner?

Mr. CASTONGUAY: No; but we have handled it very nicely with 14 days.

Mr. BELL (*Carleton*): If Acadia were included I suppose there would be other electoral districts in Alberta and Saskatchewan which could justify this as well.

Mr. CASTONGUAY: Yes. Most of the districts mentioned here are ones which border on the Yukon territory and the Northwest Territories James bay and Hudson bay. That was the yardstick established when these names were included. Personally, I see no need to include Acadia. I can think of many other districts as large which could be included.

The CHAIRMAN: Your recommendation would be that the list remain as is.

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Is there anything further on this schedule? Is it agreed? Agreed.

The CHAIRMAN: We are happy to have with us today Brigadier W. J. Lawson, the Judge Advocate General, and Captain J. P. Dewis of the Royal Canadian Navy, the deputy judge advocate general. Captain Dewis has been since 1945 the chairman of the triservice voting regulations committee. I believe Brigadier Lawson would like to make a statement on the question of the Canadian forces voting regulations. I would like to call upon him now.

Brigadier W. J. LAWSON (*Judge Advocate General, Department of National Defence*): Mr. Chairman, I am pleased to have the opportunity of laying before the committee this morning certain proposals relating to the taking of the votes of the members of the Canadian forces, and their wives, at federal elections.

As the members of the committee are aware there are special rules relating to the taking of the services vote which are found in schedule 3 to the Canada Elections Act. I understand that a short summary of the present procedure for taking this vote has been distributed to all members of the committee. While this procedure may appear to be somewhat complicated it has been in effect since early in the last war. On the whole it has worked very well. It has ensured that the members of our armed forces have had the opportunity to vote at all federal general elections, notwithstanding the fact that they may be serving far from their home constituencies.

There is, however, one aspect of the services voting procedure which has been the subject of a great deal of criticism by members of the forces and unfavourably commented upon by others; that is the announcement of the results of the services vote some days after the results of the civilian vote are known. This detracts from the secrecy of the services vote, as a class. Furthermore, the delay in the addition of the service vote to the civilian vote introduces an element of uncertainty about the outcome of the election in some constituencies and, on the other hand, gives the impression that the service vote is meaningless in constituencies where it obviously cannot affect the result. I do not think there is any doubt that servicemen generally would be much happier if their votes were counted and announced as nearly as possible at the same time as are the votes of other Canadian electors.

The delay in the counting of the service vote is occasioned by the provision of the Canadian forces voting regulations which require that the service vote be taken during the entire week immediately preceding the civilian polling day. Individual voting envelopes forwarded by electors by mail to civilian special returning officers in each voting territory are accepted until 9 a.m. on the Tuesday following civilian polling day, and counting then commences. Counting is normally completed and the results announced about the following Saturday; that is, five days after election day.

This matter has been given a great deal of study within the services during the past two years. Whilst it is not possible to completely merge the service vote with the civilian vote without disfranchising an unacceptably large proportion of the forces, what might be called a partial merging could be achieved if the service vote could be ascertained early enough to be announced on the closing of the civilian polls on polling day. This would also remove the present uncertainty as to the election of some candidates, which is inherent in the present several days delay in ascertaining the service vote.

This objective could be accomplished if all service voting took place on the Monday immediately preceding civilian polling day. The service vote could



then be counted during the week and announced by the chief electoral officer to the returning officers on the closing of the civilian polls in the various electoral districts. This is the main proposal which I have to lay before the committee for its consideration.

In this connection, I should point out that paragraphs 41 to 65, inclusive, of the Canadian forces voting regulations relate solely to voting by former members of the armed forces who are under the care of the Department of Veterans Affairs. These paragraphs do not come within the responsibilities of the Department of National Defence and no amendments thereto have been included in the National Defence proposals.

In considering the proposal that the period for the taking of the service vote be reduced to one day, the committee will, no doubt, wish to obtain the views of the chief electoral officer as to what, if any, amendments should be made in the procedure for the taking of the votes of veteran electors.

At this time, I would like to turn to another matter. A few months before the last federal general election there was a substantial movement of our servicemen from Europe to Canada. The Canada Elections Act provides that a Canadian elector who has been residing out of Canada must, on return to Canada, reside here for twelve months before being entitled to vote.

Mr. BELL (*Carleton*): May I suggest that I do not think we need to take any time in relation to this. The committee decided last year this would not apply, and has incorporated this in the amendments.

Brig. LAWSON: I understand that, but there is another aspect of this that is not covered by the proposed amendment.

The CHAIRMAN: Proceed.

Brig. LAWSON: As Mr. Bell just pointed out, I understand the committee has already recommended this twelve-month limitation be removed in the case of Canadian citizens returning to Canada—and this, of course, largely takes care of the situation I have mentioned. However, it does not alleviate the situation in respect of servicemen's wives who are British subjects and have not obtained, as yet, Canadian citizenship. Such wives, under the present regulations, are permitted to vote when in Europe, but even under the proposed amendment, would not be permitted to vote for twelve months after coming to Canada with their husbands. A simple amendment to section 14 of the Canada Elections Act is, therefore, being proposed, that would have the effect of removing the requirement for twelve-month residence in Canada in respect of servicemen's wives who are British subjects.

In addition to the two proposals I have mentioned, there are four other proposals which, while not of major importance, are, nevertheless, most desirable from the point of view of effectively taking the service vote and simplifying administrative procedures. Very briefly, these proposals are to authorize the establishment of mobile polls—that is, polls that will travel around and take the vote in the field. The next one is to permit servicemen to change their place of ordinary residence at any time during the year, rather than only in December, as now. The third one is a modification of the forms; and the fourth, relates to the disposal of counterfoils.

These proposals are being submitted to the committee for consideration in the form of a draft bill, the proposed clauses of which have been drafted by parliamentary counsel in the Department of Justice. Of course, this bill is only a first draft, and will require considerable polishing before it is put forward.

I know that the members of the committee will require a more detailed explanation of the proposals than I have already given. I have with me today, Captain J. P. Dewis, who is familiar with this whole matter. He will be

available to answer any questions. The chief electoral officer, of course, is familiar with the proposals, and will be in a position to give the members of the committee the benefit of his views.

The CHAIRMAN: Captain Dewis, have you any comments to make at this time.

Capt. J. P. DEWIS (R.C.N.), (*Deputy Judge Advocate General*): No, Mr. Chairman; I think Brigadier Lawson has covered it quite adequately.

The CHAIRMAN: Would you like to proceed at this time, Mr. Castonguay.

Mr. CASTONGUAY: With respect to the first proposal, I have many misgivings. This proposal involves the taking and counting of the votes prior to civilian polling day. I think the members of the committee are familiar with the fact that we have, in Canada, three special returning officers. The western provinces, the Yukon and the Northwest Territories, are included in a voting territory, and the headquarters are in Edmonton. Ontario and Quebec consist of another voting territory, with headquarters in Ottawa, and the Atlantic provinces, the third, with headquarters in Halifax. We have another special returning office in London, England—and that consists of the United Kingdom, northwestern Europe and the Middle East—and we tagged on Indochina, at the last election.

In each of these offices, there is a minimum of six scrutineers, as well as clerical help. As this counting will take place before civilian voting, I cannot guarantee the security of this vote leaking out from their offices or, when I get it, I cannot guarantee the security of keeping this absolutely confidential until the civilian polls closed on Monday. I can guarantee the security of my own permanent staff, but during the period of an election I have up to 100 temporary employees. This information comes in by telegram from the four special returning officers. It must be given to clerical staff; it is given to the typists—and this is one aspect that I must hasten to inform the committee, that I do not want to take the responsibility of the security of this leaking out.

The second misgiving I have about this proposal is that I am convinced, having been chief electoral officer during three general elections, that during these three general elections, the period of voting of six days has, at all times, been essential. For instance, there have been times when the elections are in June; aircraft cannot take off to go to the DEW line due to the weather. They are only permitted to vote on the one day—or, on the second day, if there is a provision to extend it until Tuesday. That is one aspect—the planes may not get in. Then, there is the difficulty of ships at sea. I am sure there have been occasions when they could all be voted on the one day; but can they get the envelopes ashore and to the various special returning officers on time? There have been army manoeuvres in Germany and, because of this, it has not been possible to do it in one day. During one election, we had a postal strike in France, and the ballots from one particular base did not arrive on time.

I know that the Department of National Defence do not share my opinion on this. I have had the practical experience with these six days, and it has come in very handy. I think that one day, a certain number of members of the forces are going to lose their vote, because of these problems that come up, because of the very nature of the services—their movements, and everything else. I feel that they will not be able to vote on the one day or, on the second day, if that is provided—or, if they can vote on the second day, these envelopes will not reach the special returning officer on the Friday of the week before civilian polling day.

During the last election, we had very few ballots come in late. In Edmonton, only eleven came in late; in Ottawa, 43; and in London, all Indochina did not



reach the office of the special returning officer. I have not the figures for the Atlantic provinces voting, but this gives you the picture. The time allowed permitted all the envelopes to arrive, except possibly 100.

I am convinced, from my experience, if we only allow one day to vote, and the Tuesday, Wednesday, Thursday and up to 9 o'clock on Friday morning for time to allow this envelope to reach these four headquarters, the number of envelopes that arrive too late will be greatly increased. I do not know how much, but it will be substantial.

Then, the other misgiving I have, with respect to this proposal, is that when this envelope is received—and I am sorry to bore the committee with the details, but it is rather important—the special returning officer must check the name of the member of the Canadian forces, see whether there is a signature of the Canadian forces voter, and see whether it has been signed by the deputy returning officer. Then he date stamps it, and gives it to a pair of scrutineers, who have the right to check it and compare the name with that on the list. They sort the envelopes out in relation to their proper constituencies. This is the process of receiving and sorting the envelopes.

So, if, where before, the voting began on a Monday and ended up on Friday, the envelopes would come in in an orderly manner—some Tuesday, some Wednesday, Thursday and Friday, right up until the following Tuesday. So, we had seven days for them to come in. Then, we had Tuesday, Wednesday, Thursday, Friday and Saturday—five days—to count them. Therefore, we had approximately 12 days for this whole process. From Monday to Saturday is going to reduce the whole period to about six days. In reducing this period, naturally I am going to require a great many more scrutineers to count and sort these envelopes. Also, I am going to require a great many more deputy special returning officers to take the votes of veterans in D.V.A. institutions. I have an estimate here of what we consider will be our minimum requirements. In 1958, we had 36 deputy special returning officers. These are the officers who take the votes of patients in D.V.A. hospitals. To take the vote in one day, we are going to need 216 deputy special returning officers. We had 34 scrutineers at the last election. To do this sorting and to reduce the time in counting, we are going to need 86. We will need more clerical assistance. However, the provision in this proposal is that the members of the forces are going to supply us with clerical help. The cost of the services vote, at the last election, was \$51,064; under this proposal—and this is a minimum—it will cost \$146,321. There could be a saving on that of \$13,500, if the forces supply clerical assistance. There is the cost factor.

Now, the other misgiving I have, is that I cannot guarantee there may be breakdowns in the count, that these results will reach me on a Sunday, so I can tabulate them, and release them on Monday when the polls close in British Columbia. Every effort will be made to do it. However, there are human factors—breakdowns; and it may be that I would be in a position of being unable to do so for these reasons. It may be that they will have to be released on a Tuesday, but the impact still will be not as great as being released on the following Saturday. It will not achieve the purpose for which this proposal was put forward.

Generally, these are the misgivings I have, and I have not anything more to say at this time.

The CHAIRMAN: Thank you. We now have heard from the witnesses, as well as Mr. Castonguay, and you will note that their points of view are not exactly in coincidence.

If any members of the committee have comments or questions to ask at this time, I would ask that you proceed.



Mr. MONTGOMERY: Mr. Chairman, in so far as the security is concerned, I have read that over, and I have the same misgivings and doubts that Mr. Castonguay has.

Mr. BELL (Carleton): It is Mr. Richard and I who really should be worried, because of the passing through the telegraph offices in our riding.

Mr. MONTGOMERY: In so far as the service vote being recognized, I do not think it is going to make a bit of difference whether or not it comes in the day the poll closes. It will be recognized. I do not think there is any way of keeping it a secret, and I did not have any idea as to whether or not it could be done in a day. I, myself, thought it would be quite a job, but I am quite willing to accept the opinion of those who have to carry it out. It would seem that to carry out the service vote in one day, would be quite a job. However, the security part of it is one on which I have misgivings.

If I may ask a question at this time: whose responsibility is it to see that the vote as recorded in the envelope is correct, according to the constituency shown on the service roll?

Mr. CASTONGUAY: A pair of scrutineers are given the envelope.

Mr. MONTGOMERY: And they check with the service roll?

Mr. CASTONGUAY: They check to see the address. I do not believe they check them one at a time; but they check the address given on the envelope, to establish whether this residence is in a certain constituency.

Mr. MONTGOMERY: Is there anyone protecting the vote in the services in this way: a man comes in and says, "I want to vote for so-and-so. I do not know whether he is in my constituency or not". Does he see a service roll then, or does it depend on his memory? If he says, "I live in Victoria, Carleton, New Brunswick;" or Victoria, Ontario; or Carleton, Ontario, who checks to see that the address on the service roll corresponds with what he says? That is one question.

Concerning the women, the wives' votes, I am in accord with that. I did not realize a British girl who a soldier may have married overseas, and she is a British subject, did not have a vote. I took it for granted she would have a vote, the same as before; say, a Canadian had gone overseas and had come back.

I think that is a good suggestion. I think the wives should vote, if they are back here by the time the writ is issued. And the changing of the address on the service roll, I do not think that should be allowed between the time the writ is issued and election day.

Brig. LAWSON: That is part of the polls.

Mr. CASTONGUAY: The commanding officer of the unit prepares a list of the electors of his unit. The service man's document contains a statement of ordinary residence for voting purposes, and the commanding officer prepares a list of the Canadian members of his unit, with the place of residence. So if the elector walks into the poll, his name is there and his residence.

He is given a list of the names of candidates and their political affiliations; and if he has difficulty in knowing what district he should vote in, we have a book of what we call key maps, plus a postal guide, to help him determine in what district he should vote. This list may also be checked by the scrutineers. That goes to the office of the returning officers, so the scrutineers have the right to check that nominal list prepared by the commanding officer and see if this is the place of residence. That safeguard is very good, from this point of view.

Mr. McGEE: Mr. Chairman, I wonder if the witness would just repeat his two statements. He gave two reasons for objecting to the service vote coming out later. One of them was pretty obvious, but I am wondering what the other one was.

Brig. LAWSON: The first reason, Mr. Chairman, was that the service man, at any rate, considered that it detracts from the secrecy of the vote, the fact that the service vote comes out five days later, when it is a major news item, rather than coming out at the same time as the civilian vote, where it may appear on the back page of the paper that the service vote was so-and-so. We realize you cannot hide it. If anyone wants to find out, they can find the service vote. But, coming out five days later, it comes out as a completely separate, newsworthy item and is played up by the newspapers. So they feel it does detract from the secrecy of the vote.

The second thing is that a candidate in a close constituency does not know whether or not he has been elected for five days, until he gets the service vote. We think this is a bad feature. There is also the feature that in constituencies where it is quite obvious, no matter what the service vote is, that it cannot affect the result, people feel, "This is silly; I am wasting my time. The service vote does not mean anything". Those are the three basic reasons; but the main reason, from the service man's point of view, is secrecy.

Mr. McGEE: The significance of the service vote does not vary any more than the significance of the vote in a particular area. I have not grasped the significance.

Brig. LAWSON: That may not be a serious consideration, but I think it is some consideration. The result comes out at an election, and a certain candidate is elected by a majority of 3,000 civilian votes. We know there are no more than 200 or 300 service votes in the constituency. You might as well not announce them; it is not going to affect the constituency. I think it is the feeling, rightly or wrongly, "Well, our vote does not matter". True, as you say, it is immaterial.

Mr. McGEE: Its need perhaps escapes me. What I want to find out on this, and this is perhaps an historical question, more than anything else: how many ridings have "flipped" the way Renfrew North did in 1958?

Am I correct, that Renfrew North was designated—

Mr. CASTONGUAY: The service vote changed the seat.

Mr. McGEE: Had that ever happened before?

Mr. CASTONGUAY: Prince Albert, in 1945.

Mr. McGEE: And those are the only two occasions?

Mr. CASTONGUAY: They are the only two occasions that I remember.

Mr. AIKEN: Mr. Chairman, I wonder if the chief electoral officer has any suggestions himself which would meet the difficulties that he sees in the proposals?

Mr. CASTONGUAY: I have been working with Brigadier Lawson and Captain Dewis on this problem right through. I have had a long association with Captain Dewis, since 1945. The three of us have tried to arrive at some solution, and it is very difficult.

Brig. LAWSON: May I say this, Mr. Chairman, that this matter has been, of course, considered within the services by a number of committees, right up to the defence council. Various proposals have been put forward—proxy voting, and all sorts of things—and after a lot of consideration, this was the proposal, that I advanced today. This was the proposal that was considered to be the best solution we could arrive at on this problem.

Mr. MCGEE: The third question I have is this: I was wondering if there is any actual estimate in your minds as to what number of service men, or what percentage of service men, would lose their vote because of the one-day voting?

Mr. CASTONGUAY: I do not think I can provide any figures on that. It is just my own experience on three general elections.

Brig. LAWSON: In this connection, Mr. Chairman, we have another proposal in here; to permit mobile polls. We think this would save a good many votes. As Mr. Castonguay has very properly said, on a certain day the troops would be out on manoeuvres, and so on, and would not be able to vote. We would hope to overcome this by having mobile polls. In other words, we would send the poll right out to the men in the field and take their vote there. This would help that situation very considerably.

We do make an effort, and we always make an effort, in this regard. When the navy has ships at a port on voting day, they do everything possible to allow those men to vote; and we do everything that we can to allow every man to cast his vote. But, as at civilian polls, there are certain people who cannot vote, because something has happened.

Mr. CASTONGUAY: I must point out that at the last election 87,350 votes were cast, and only about 100 were not received on time to be counted.

Mr. HODGSON: How does the services vote compare with the civilian vote, in numbers?

Mr. CASTONGUAY: Percentagewise?

Mr. HODGSON: Yes.

Mr. CASTONGUAY: It compares very favourably with the civilian vote.

Mr. BELL (*Carleton*): Is it not the case that the proposal before us has to be tested, as to whether it will accomplish the purpose for which it is designed? The purpose is to avoid undue publicity of the service vote as such.

If I could be convinced that it did that, and that there were security precautions, then I would approach this in a different way. But it seems to me that under the proposal it is virtually impossible to prevent segregation of the service vote. Unquestionably, compilation will be made by the Canadian press, and it will probably be given to the Canadian press by the chief electoral officer; and that will be one of the big stories of the election.

True, it will not appear on a separate day; but it will be one of the big stories of the election. If that is the case, everyone knows how the service man voted, both nationally and by ridings, and what have we accomplished in this?

I have failed to see where the undue publicity of which, I think, legitimately, the services complain, or the secrecy of the service vote is in any way improved. Perhaps Brigadier Lawson would like to comment on that.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I would like to add to what Mr. Bell has said, that the probable result as far as publicity is concerned—if so many service men were not satisfied that they had an opportunity to vote, or did not vote, there might be a story later in the week about the kids from the forces, or service men who had not voted properly, or who had not been given sufficient opportunity to vote.

The CHAIRMAN: Would you like to say a word on that, Brigadier Lawson?

Brig. LAWSON: To answer Mr. Bell's question: we of course recognize that you cannot keep the service vote a secret. If the press wants to take the trouble to analyse the returns, they can get the service vote. But we do feel very strongly that if it comes out at the same time as the civilian vote, if it comes out in the papers at the same time as they announce the election results,



it will be a very, very small news item, compared with what government was elected, or who was elected in a certain constituency, and it will appear somewhere in the back of the paper. But if it comes out, as it does now, five days later, it is a major news item—and it has been regarded as a major news item in the past.

Mr. MCGEE: Mr. Chairman, I have finally figured out what is bothering me about this argument. It seems, in a sense, that there is an argument on both sides of this question. On the third reason, which I was discussing earlier, the argument is that not enough significance is attached to this subsequent voting and, simply, significance accompanies publicity. On the other side, the argument is that there is too much significance and too much publicity attached to it.

Brig. LAWSON: From the service standpoint, there is one problem. The one problem is the fact that the service vote is made a separate item: it is published separately: it is regarded as something apart from the normal Canadian vote. This is the main argument, the main thing that we want to overcome, if it is at all possible. Everything else is incidental to that. This is the core of the matter.

Mr. MONTGOMERY: Mr. Chairman, I just want to ask a question of Mr. Castonguay. Is Monday the earliest, of these particular days: is Monday preceding the Monday of voting—that is, one week—the earliest possible opportunity when the service man could start voting? Could they start on a Saturday, or Sunday?

Mr. CASTONGUAY: The problem there is nomination day. Nomination day, in 21 electoral districts, is 28 days—that is, between nomination day and polling day. For all others it is 14 days. After nomination day is closed, I have to compile a pamphlet with all the names of candidates and their political affiliations. We do that overnight. The telegrams start pouring in around 3 o'clock, and we go to the Queen's printer about midnight with a list of all candidates. The next morning the Queen's printer gives us the printed lists. We send the pamphlet and a cable to London, containing all the names of the candidates—and that is a very lengthy cable—and their political affiliations.

When the returning officers get this pamphlet, or the cable, they then have to distribute this list of candidates to all the voting places. You could not advance it, because it is quite a problem to get this list of candidates to the voting places for Monday. We only have from Monday to Sunday to compile this list, to print it and distribute it—and it has to be distributed to, I think, roughly 434 places. Excuse me; the services have 392 voting places, in the four voting territories.

In Indo-China we found out the names of the members of the forces there, worked it down to a district and sent them just the names of candidates of their districts, not a complete list. So I cannot see shortening that period of time to get the list of candidates for voting. As a matter of fact, I would like to have a little more time.

Mr. AIKEN: I was going to say, Mr. Chairman, the most undesirable feature of the objections that Brigadier Lawson has made to the present system is that where there is a very close vote in a riding. I think that, as he has mentioned, if a candidate has a substantial majority, the service vote is overlooked, if nothing else. Where there is a close election, within 100 or 200, then the service vote becomes very significant and is the subject of very careful scrutiny.

But I think that in view of the answers given to Mr. McGee, the number of ridings in which this arises in any given election is very small.

Mr. HODGSON: This has only happened twice, that the service vote has changed any candidate for any electoral part of any riding: it has only happened twice since confederation. I think we are perhaps making a tempest in a teapot, and I move that it be left as it is.

Mr. RICHARD (*Ottawa East*): As far as publicity is concerned, if there was another instance like Renfrew or Prince Albert, and the vote came out on Monday, the story would be played up, just the same, on Tuesday, that if it were not for the service vote there would not have been a change in Renfrew or Prince Albert. It would be quite a story on Tuesday, just the same as next Saturday.

Mr. CASTONGUAY: There is another point, if the committee approves this proposal. I have my tabulation when the polls close in B.C. I give my information out to the returning officers. If this proposal had been in force in the 1957 election, the only clear results would have been the service vote before midnight. Where there is a sweep, it is fine. But if this proposal had been in force in 1957—

Mr. MCGEE: In other words, from the publicity point of view, this would have been a far more dominant and noisy story than it is in normal circumstances?

Mr. BELL (*Carleton*): This would have been the big story in the early part of the evening on television, would it not?

Mr. CASTONGUAY: In the 1957 elections; because unless the committee brought in legislation forbidding me to release this after the polls close in B.C., this information is public when I send my telegrams to the returning officers and I release it to the press. What I have given out to the press in the past is after the telegrams go. So if we have a complete tabulation, that would be the only complete, final results in the election before midnight.

Mr. MCGEE: Mr. Chairman, I wonder whether Brigadier Lawson has any comment to make on that point that has been raised. If these results were out, according to the proposal, they would be the first results, and they would be even a more major story of returns and would be given more publicity than they are at the present time, with or without the possibility of riding changes.

Brig. LAWSON: I would not agree with that. At the moment they came out, they might be very newsworthy and very significant; but 15, 20 minutes, or half an hour later, something else would come along that would be equally newsworthy, and that would be the end.

Again, this would only apply in certain ridings. The total service vote would not get the news; it would not have the news significance it now has.

Mr. MCGEE: I would like to take issue with that, just for the record. I think that purely from a publicity point of view, if you have the nation's attention focused on the result, waiting for that poll to close in British Columbia on introduce the fact that, bang, out comes the service vote, and this is the first result that everybody can read and see, that everybody is listening for, if it is in your mind to avoid this being retained in the public memory, in my judgment I cannot agree with your conclusion that it will be forgotten 20 minutes later.

I think that if you compare this situation with other situations, in terms of public memory, impact, significance, and so on, that you are concerned about, I have come to the conclusion that the present system is far less damaging, from the point of view that you have expressed. That is just my opinion.

Brig. LAWSON: That may be so, Mr. Chairman.

Mr. KUCHEREPA: Mr. Chairman, I think there is a comparable situation in the electoral districts of Canada which are far-flung, such as the Northwest

Territories. We do not get results on election night. I remember that Kenora-Rainy River was one, in the recent election, where we did not have the results for several days, or perhaps even weeks. In so far as the actual result is concerned, I think this is a comparable situation which we have, because of the geography of this country, which we have to face not only in this field but in other fields. We have a few undecided seats as they develop from these special areas from which it is difficult to obtain the results, and it is a comparable problem. As a result of that, there is a natural focusing on these areas on election night and for days afterwards.

Mr. HODGSON: At the next election the Indian vote may run them right off the front page.

Mr. AIKEN: It seems to me, Mr. Chairman, that we are faced—just to follow up Dr. Kucherepa's comment—with the alternative of either having a full and a complete vote for service men, and giving everyone possible the opportunity to vote, with the necessity of giving their vote some national attention. From what we have heard today, there does not seem to be any alternative. If we are going to make a large effort to see everyone votes, it is going to take a long time to get the vote published and ready. I think the balance of the scales would be in favour of as extensive an opportunity to vote as possible, because we will not, in any case, be able to conceal the results.

The CHAIRMAN: If no other member has any comment on this first proposal, we will call on the witness, either the brigadier or the captain, if they have anything to say further.

Mr. AIKEN: I presumed we are dealing with only the one matter.

The CHAIRMAN: The first proposal made by the brigadier.

Capt. DEWIS: Mr. Chairman, if the proposal we have in our schedule is not to be approved, we would like, nevertheless, to propose an amendment in respect to the hours and number of days which polls have to be open.

At the present time, under paragraph 25, the commanding officer must keep open his polls, no matter how many he has, for at least three hours each day for six days, Monday through Saturday. There are many cases where the votes of members of the Canadian forces in a particular unit can be taken, maybe, in two days, but the present arrangements require the poll remain open for that time, which means that a commissioned officer has to be there and, probably, a couple of assistants.

As an alternative to the mandatory requirement of keeping them open three hours each day for six days, we would like to propose a mandatory requirement to keep the polls open but limited to, say, three hours for three days, and during the other three days as the commanding officer deems necessary. We feel sure there are polls where the voting has all finished within, say, two days, and whilst it should be open for six days there is nobody around left to vote. Even if the commanding officer did close it, it would be a very simple matter to open it again, if some other voters did come in.

Mr. BELL (*Carleton*): Does the chief electoral officer see any objection to that?

Mr. CASTONGUAY: None whatsoever.

Mr. KUCHEREPA: Would it not be better to limit it altogether in another way, rather in days than in hours? Under our practice, if the polling booth closes at a given hour, anyone in line there who wants to vote will be permitted to vote. Then, that would give more opportunity, in a period of days, and would permit a saving of time, so far as opening offices generally are concerned. Under civilian voting practice, if there is a line-up at six o'clock, when the polls close, anyone in that line may have his name taken and will be able to vote. Under that practice, that would permit an opportunity for those who may not come in the first three days to get a vote in.



Capt. DEWIS: As at present, the commanding officer can keep the poll open for 24 hours a day for six days. This amendment would not prohibit him from doing that. If he had it open for three days and then, if he wanted to open it the next day, there would be nothing in the regulations prohibiting him from doing that. He is not bound by regulations, in the same way civilian polling officers are.

Mr. CASTONGUAY: He may open it for not less than three hours; it is a minimum of three hours.

Mr. KUCHEREPA: Would it not be better to extend the time in days rather than in hours—cut back on hours and leave the days as they are, to permit flexibility?

Capt. DEWIS: We are not proposing to cut down the six, but it would mean that each commanding officer would decide how long he was going to keep his poll open. There are many units where they would want to keep it open the full six days; but a unit in another province might find that one day, five hours would be sufficient.

Mr. CASTONGUAY: I think an effort is made by the services to have members of the Canadian forces vote on the first two or three days, to give more time for the envelope to reach the offices of the special returning officers. I believe most of the voting takes place during the first three days.

Mr. AIKEN: I do see one objection. I see a difficulty in not knowing the last time at which the voter may cast his ballot—in other words, if there are nominally six days, and he has not voted on the first day, he may vote on any one day of the rest of the week. The commanding officer may, in his discretion, decide not to open them again. In that case a voter who wanted to vote is going to pass the opportunity up and say, "All right, never mind," although he might very well have wanted to vote, but would not raise a fuss with the commanding officer for not opening the poll again. I feel in the notice of polling there should be a notice of the last time at which the poll is going to be open in that riding. I do not think the commanding officer should be able, without giving due notice in advance, to open or close a poll as he feels like it, because I know a lot of commanding officers might take the view he would not open it again, after closing it, and there is not a darned thing a voter could do about it.

Capt. DEWIS: Under the regulations the commanding officer is required to publish three days in the week before service voting takes place, the hours and days the polls will be open. So, at the beginning of the election, he would have to set a minimum number of days, but that still would not prevent him from extending the time.

Mr. MONTGOMERY: There is a nominal roll made out in the orderly room before voting starts. Once every name on that roll is indicated as having voted I can see little sense in keeping the poll open.

Capt. DEWIS: That is the point. Each commanding officer in the unit has to prepare a list of qualified electors in his unit, and the deputy returning officer who takes the vote has that list.

Mr. MONTGOMERY: Is it possible, with the transfer of men from one place to another, that after that nominal roll has been prepared a detachment might come in which had not voted, and they would have to be added as a supplementary list and posted in the poll?

Capt. DEWIS: Yes, that is quite possible. These lists have to be prepared about a month in advance. Obviously there are movements of troops during that period of a month, but, of course, the deputy returning officer would be aware of any large movement of troops, coming in or going out of his unit.

Mr. CASTONGUAY: There is another aspect to this. There may be a member of the forces on leave or a member of the forces who is travelling on duty, and he can vote at any other unit than his own. So if a member of the armed forces from, say, Victoria is in Ottawa on furlough he can go to any voting unit in the six day period and vote here.

Mr. MONTGOMERY: There is one question. Here is a member of the services on leave and is home, or where he would ordinarily have his home and ordinarily be living he is home on leave. Apparently, if there is no service poll in that area he does not have a vote.

Mr. CASTONGUAY: He can vote as a civilian, if the place of residence on the statement of residence that he has completed is the same as where his family is.

Mr. MONTGOMERY: There is no way of checking on that, except by accepting his word for it?

Mr. CASTONGUAY: There is no way of checking it. There is a great deal of difficulty now where there are large military bases. There is no difficulty with people living on the base, but when they spill out into the adjoining town, city or countryside it is very difficult to check this particular matter. The enumerators will on some occasions naturally put them on the list anyway, and some of them are not entitled to be on the list.

The CHAIRMAN: Anything further on this proposal?

Mr. MONTGOMERY: It is pretty hard to get it perfect.

Mr. BELL (*Carleton*): As we are getting into details, I see no objection, basically, to this proposal. I think we should dispose of the major proposal. As I sense the view of the committee—and, certainly, it is my view—we remain unconvinced that this major proposal will achieve the purpose for which it is designed, a purpose which I say is a worthy one, and that it results in possible and, in some cases, probable breaches of security where it would be known before the civilian polls had closed what the service vote was. I have not the slightest doubt that in Mr. Richard's riding—and in my riding—after is has passed through the telegraph office and through the hands of a staff of many people the result of a service vote would be known generally on election day. I think we should decide we are not going to adopt this particular proposal, as Mr. Hodgson has indicated it is his view, and that we should then proceed, within the framework of the existing regulations, to amend them and to try and improve this.

Mr. RICHARD (*Ottawa East*): I support this view. I was just going to speak to this other proposal, this revision, concerning the time for voting. I can see some difficulties. The main thing I do not like is the leaving of the direct power in the hands of the commanding officer to decide on the number of days. That should be set in the act definitely, because the commanding officer is not really an officer working under the chief electoral officer, and he could use his own discretion and, being human, we would have variations of discretion.

I think that during the drafting of this act we are trying to establish some kind of uniformity. The main thing is to allow everybody to vote, and to give them all the time we can—and there is not so much time within the framework of the act. Any limitation we put on that, I am against, unless it can be shown to me it is absolutely necessary.

Mr. MONTGOMERY: Mr. Chairman, I feel as a member, and as one who has run in three or four elections, that we should take all the chances we can in order to see that we are going to be declared elected. If anyone has any worries it is the candidates, and no one else. If we do not see any way of improving that

to our satisfaction, then it should be left alone. I would like to see the service-men feel that their vote was just as important as anybody else's. I would not want to do anything or agree to anything that would make them feel their vote did not make much difference.

I do not know how we are going to approach this. The first thing to remember is that we cannot start earlier; Mr. Castonguay has satisfied me as to that. I am a little afraid of one day's voting. I am not satisfied the one day is going to be sufficient to give all the service personnel a chance. Of course, we are all very conscious of the effect of increasing the cost of this whole operation. There are a few places where probably quite a lot of publicity is given, but I do not know how we are going to get around that. I am inclined to agree with Dick Bell and some more of them, that we cannot improve that part of it.

Mr. McGEE: I would like to add to Mr. Montgomery's comment. I am sure you have heard the proceedings of this committee up to date, and the pattern of our amendments has been to widen and make it much more free, and available to people generally to exercise their franchise. I am inclined to go along with Mr. Richard, that there is a possibility, in both the major and the subsequent proposal, of restricting the actual physical numbers of voters; and I think that being the theme of our consideration of the civilian voter, it should continue to dominate our thinking towards the service personnel as well.

Mr. RICHARD (*Ottawa East*): Without affecting the efficiency of the army.

Capt. DEWIS: May I say a few words about how many people might be disfranchised? As far as the commanding officer is concerned, I have found over the years that they are most anxious to do everything to insure that everybody gets down to vote. They have leaned over backwards in many cases to do that. Personally, I have no worries about them closing the polls when there are still eligible voters around.

As far as the losing of votes is concerned, because the period might be cut down to one day, that is a matter which was very thoroughly considered at headquarters. Many committees were in on it. At the present time in Halifax, say, the navy might have two or three polls, and that is because there are six days. But if we have one day, the service will set up sufficient additional polls in each area to take care of all the voters. True, we might miss votes in a particular ship, and that occasionally happens now. We occasionally miss an isolated group because of the weather, aircraft failure and other things; but by increasing the number of service personnel involved in taking the votes, the services feel there would not be any substantial disfranchising of any service voters, as compared to the votes we are not able to get now.

As far as the news leaking out is concerned, there is that possibility—and Mr. Castonguay has put that forward very clearly—but the services feel any leak would be of a local nature.

It is an offence under the Canada Elections Act to promulgate the results before the polls are closed; and while the service vote might be the first one out in a particular poll, nevertheless the services felt that that publicity would certainly not affect the entire picture, not coming out five days later. I think we are trying to prevent "undue" publicity. We do not think there would be the "undue" publicity there is now. Now it all comes out separately on the front page after five days.

Mr. BELL (*Carleton*): Mr. Hodgson moved a motion some time ago which I am prepared to second, and to take the consensus of the committee.

The CHAIRMAN: Mr. Hodgson's motion, as I recall it, was to the effect that the regulations on this matter remain as they are.



Mr. HODGSON: That is the first part of it, not the part where the soldier returns to Canada.

The CHAIRMAN: That is what I mean; in respect to this first proposal we will be taking up all these matters when we look into the regulations; but I think to get the general consensus, we might ask now for an expression of your opinion on this motion. Is it agreeable?

Motion agreed to.

Now, the witnesses have other proposals to make on the matter I referred to, and the effect on what I have just mentioned; it will be directly considered in section 25 of the regulations.

Mr. BELL (*Carleton*): Should we not take a moment and complete it? No. 2 deals with this question of wives.

The CHAIRMAN: That is the second proposal, as mentioned by Brigadier Lawson.

Mr. AIKEN: I was under the impression that we had settled this particular problem earlier, but we obviously did not settle the problem of the non-Canadian who returns as the wife of a Canadian citizen. And I think it would be in accordance with what we have already established in the main elections act to give these wives the vote.

It might be that they have not been residents of Canada for a sufficient length of time to have formed a proper opinion. Nevertheless there are probably a good many others in the same category, so I think we should adopt this proposal.

The CHAIRMAN: Are there any other comments?

Mr. BELL (*Carleton*): I have some reservations in connection with this, and I would say, as one who last year and again this year vigorously sought to have the amendment made which we have made, that I have some doubts as to the creation of two classes of British subjects, which you will have, one who has married a Canadian citizen who is in the armed forces, and the other, a British settler.

I have real hesitancy in extending the vote to a person who has not been a resident at any time in Canada. If she had been here for an appropriate period, she would of course qualify under the residence rule. But I was not aware that a British subject married to a Canadian enlisted man, who had never been in Canada at any time, had the right to vote.

I have some doubts as to whether that is a proper principle, and I have some real reservations in opening this matter and creating two classes of British subjects.

Mr. MONTGOMERY: If a girl who was a British subject should marry a Canadian, she should have the right to vote.

Mr. HODGSON: I think she should be married at least 12 months, and if she arrives in Canada before she has been married to that Canadian serviceman for 12 months, she would be getting preference over a lot of people who come here as ordinary citizens.

Capt. DEWIS: That would be quite difficult for the forces to administer—to say that you have to be married here for 12 months—because we would have to check the records to make sure that they have been married 12 months. I do not know if voting on that basis would make it worth while to have a check made of all these marriages.

Mr. HODGSON: All they would have to do would be to show their marriage certificates.

Capt. DEWIS: Some of these wives may be British subjects who have resided in Canada but who have not as yet obtained their citizenship.

Mr. MONTGOMERY: After all, any girl who has been over here for a year is considered to be a British subject under the Elections Act.

The CHAIRMAN: They are eligible to vote.

Mr. CASTONGUAY: Under the present proposal, but under the new proposal they would still require to be here one year before polling day. A Canadian citizen would not be required to be here one year before polling day, but just to be here on the day of the issue of the writ.

In this particular case you must remember that our present regulations permit her to vote outside of Canada; but she is liable to be moved over here, with the result that at a subsequent election she would not be allowed to vote here because she is a British subject, as the wife of a member of the Canadian forces. So you would have an anomaly in the fact that in 1957 she might have voted in the United Kingdom, under the Canadian forces voting regulations, yet in 1958, having been moved over here, she would not be allowed to vote.

Mr. AIKEN: This is about the same situation that we discussed in connection with a service man being under 21 years of age. He is able to vote if overseas, and likewise we would permit him to vote in Canada if he were in the armed services. This is approximately the same principle; and while there might be a few cases in which the wife had returned for perhaps only a few days or a week before election, I think there would be a very small number of cases, and that in most cases she would have returned certainly in sufficient time to form some judgment during the period of the election as to how she was going to vote.

Mr. HODGSON: I think that in 99 cases out of 100 she would vote the same as her husband anyway. I say that if she arrives in Canada and if her husband is a serviceman and is entitled to vote, let us give her the right to vote, too.

The CHAIRMAN: I suppose there is no way of determining who is the C.O. in the home.

Mr. WEBSTER: It is the same as yours.

The CHAIRMAN: In that case, Mr. Hodgson is right!

Mr. HODGSON: Suppose a girl marries a Canadian serviceman and he comes back to Canada. She does not know anything about Canada or the laws of Canada, so I think that in probably 100 per cent of the cases she would vote pretty well as her husband voted. So it does not matter if she has been married for 12 months or only six days.

Mr. BELL (*Carleton*): Unless the chief electoral officer sees real objection to it, I think we ought to leave it.

Mr. KUCHEREPA: What is the status of the wife of a Canadian soldier, who is a British subject, as far as voting overseas is concerned?

Mr. CASTONGUAY: They cannot vote because they are not Canadian citizens or British subjects.

Mr. KUCHEREPA: Do they have to wait five years to qualify?

Mr. CASTONGUAY: They have to make application for citizenship, and I think they wait for five years.

Mr. BELL (*Carleton*): Is the amendment proposed satisfactory?

Mr. CASTONGUAY: It is.

Mr. BELL (*Carleton*): All right, let us agree to it.

The CHAIRMAN: Are we agreed to the proposed amendment?

Agreed.

The third proposal deals with mobility of the poll.

Mr. AIKEN: Perhaps we should hear something further about it. But the way this strikes me is this: suppose the troops are out on field exercises. They are very much pre-occupied with what they are doing. But along comes a mobile van, something like a tea wagon, and someone says: "Here boys, vote." I just wonder if that would be the result.

There is evidence that at times there is little enough thought given to the vote, particularly outside the country. And I just wonder if that would bring voting down to a very low level.

Mr. HODGSON: To a tea wagon basis.

Mr. MONTGOMERY: Unless we adopt the other principle, which is just the opposite.

Brig. LAWSON: This amendment is not nearly as important as it would have been if the committee had adopted our first proposal. I think it would be a useful thing in the case where troops have gone out on manoeuvres lasting a week or two weeks, because it would enable us to go over and take their vote without interrupting the manoeuvres or bringing the troops back in. Moreover, they may be on manoeuvres with other forces, so that we could not just pull our troops out suddenly and say: "Goodbye, we are going home to vote."

To do that would be to upset the whole manoeuvres, and I cannot see how under this voting system that would be very wise. I think it would be a most useful authority to have in the regulations so that we could use it under special circumstances which might arise.

Capt. DEWIS: I am thinking of Indo-China where we have about 100, and they are scattered around. If we were to have a fixed voting place, transportation would be very difficult. It would mean that the voters would have to come into Saigon or some central place where we would have established a fixed voting place. There might be only a few men, yet the poll would have to remain open for six days, when obviously it is not needed.

We have widely scattered personnel in the north. Under the present procedure they all have to come in to one of several central voting places which we have set up in a dozen small places, where we have a commissioned officer and staff, and where all the documents have to go. Whereas with a mobile procedure one officer with a couple of assistants can take their votes.

Mr. MONTGOMERY: Those manoeuvres operate 24 hours a day, do they not?

Capt. DEWIS: That is right.

Mr. CASTONGUAY: I share the views of Brigadier Lawson and of Captain Dewis.

Mr. MONTGOMERY: This should not be too expensive.

Mr. CASTONGUAY: No. I think it would be very useful to have that provision. I share Brigadier Lawson's view that it would not be used very extensively, but only in cases of manoeuvres. I always thought this should be in the law, under those circumstances.

Mr. AIKEN: To follow up your initial remarks, I think that if it were properly set up it would afford more opportunity to vote at that point, and I would have no objection at all. I am thinking particularly of troops on manoeuvres, and that they should have this right to vote.

I am still concerned as to the time element involved in permitting a man to come in to vote. Is he just going to parade in, parade out, get his vote, and get away?

In the civilian population there is an allowance, let us say, of three hours in which a person is supposed to be able to take off from his employment to go to vote, and return.



I am still concerned about the possibility of this tea wagon voting, as you call it, and the case of a man being called in, where he says: "I have to get this vote over. I will vote for somebody and get out again." I wonder if I could be assured that this would not happen?

Mr. MONTGOMERY: I would doubt it. I think you have to take a chance there.

Mr. CASTONGUAY: That could happen with a stationary poll.

Mr. HODGSON: I think the officers overseas and everybody in connection with the voting go all out to give the serviceman an opportunity to vote. In 1945 I knew of a case of a serviceman who wanted to vote. They sent a special truck out to him for a distance of 27 miles, to give him an opportunity to vote, and in doing so they gathered five others who were not so anxious; but they brought them all along. They all voted for me, but they did not all come from my riding.

Mr. CASTONGUAY: I think that as long as I can remember we have never received a complaint from a member of the Canadian forces that he was denied, or restricted, or in any way not given the proper facilities to vote. That may not be a good yardstick; but usually, when somebody has a complaint, they write to us, and we have never received a communication from a member of the forces saying that he was not given proper facilities to vote.

The CHAIRMAN: Are we agreed on this proposal, then?

Agreed.

The CHAIRMAN: The next is No. 4.

Brig. LAWSON: The next proposal is a rather important proposal, Mr. Chairman. We propose that Canadian forces electors be allowed to change their place of ordinary residence at any time except during the period commencing on the day of the issue of a writ ordering an election and ending on the day following civilian polling day.

At the present time, members of the forces can only change their place of ordinary residence in December: they only have the one month—and it is not a very suitable month, because they are thinking about other things during December, not about changing their place of ordinary residence.

We now propose to open this wide open and let them change it any time except during the election period.

The CHAIRMAN: Is there any comment on this?

Mr. KUCHEREPA: Yes, Mr. Chairman, I want more elucidation on this. What are the prime requisites for this proposal: what is entailed here: why does this question of change of ordinary residence, which comes up, as I understand it, once a year, and the opportunity to change—why should there be a further opportunity to change ordinary residence?

I think perhaps the brigadier could give us more background on this.

Brig. LAWSON: As you understand, Mr. Chairman, a serviceman has three choices as to his place of ordinary residence. He can choose either the place where he was residing when he joined the services, the place where he is living at the moment as a result of his service, or the place where his next of kin reside.

What normally happens, of course, is that a man comes into the service: his place of ordinary residence is where he has been living before he joins. After he is in a while he is posted, we will say, to Edmonton. He lives in Edmonton; he becomes interested in local politics; he knows the local candidates. He has forgotten all about the people back in Halifax, where his place of ordinary residence now is, so he wants to change. But the month of December comes along. He is busy getting Christmas presents, and so on, and he forgets.

Another election comes along. He knows something about the candidates in Edmonton, but he has forgotten to make this change and he is forced to vote in Halifax, where he does not know the candidates at all.

Mr. AIKEN: Mr. Chairman, what relationship has this proposal to normal change of residence on documentation of servicemen? Is it the same thing?

Brig. LAWSON: No, there is no connection. This is quite a separate type of residence.

Capt. DEWIS: On enrolment, the only residence he can choose is where he was actually residing on enrolment. The change is after he has been enrolled and gets posted to a new place. He is there two or three years. Then he begins to feel that he would prefer to vote there. He is beginning to lose his ties back home, and after a period of 10 years he has probably lost all his ties. So on new postings this gives him a chance to take part in local affairs, rather than leave him where he has not any residence any more and no further interest, probably.

Mr. AIKEN: But does this change for election purposes go on his documents, in the same manner as if his wife had moved and they had purchased a home near the base, at which they were living? Is this a normal change of residence, and not just a change of ordinary residence for voting purposes?

Capt. DEWIS: If he is serving in Ottawa, he could not designate any place in Ottawa except where he is living. If he moved from Eastview out to, say, Britannia, then he could change his place of ordinary residence; but he could not pick some place in Ottawa where he was not living, or some place in Halifax, unless his dependents were there.

Mr. AIKEN: I do not seem to have had my question answered. I am merely trying to find out this. Is a soldier the same as a motor vehicle operator, where they write on his documents a change of his ordinary place of residence, and where he says, "I am now a resident of"—a certain place; "My home is"—so and so, "and that is where my wife is living"?

As I understand it, this can go on his service documents, quite independently of voting purposes. I am trying to find out if these two are identical; that is, if he gives notice of his change of ordinary residence for documentation purposes, is that the same thing as this provision for change for electoral purposes?

Brig. LAWSON: This is quite separate. This is a thing he must do separately. He must go in and make out this new form, changing his place of ordinary residence for electoral purposes from one place to another place. But, of course, he must have a connection with this other place.

Mr. AIKEN: That is what I am trying to get at. He may have an address at one location in his papers, and that is the one that is used for electoral purposes; that is his ordinary place of residence when the voting lists are made up. So this is something entirely separate?

Brig. LAWSON: These are separate papers, separate documents.

Mr. MONTGOMERY: I think this is what Mr. Aiken is after, Mr. Chairman, and I think it is a matter of importance. No man should be allowed to change his address on his service documents just for the purpose of voting. If it is a change, I agree that it should not be confined to December; but it must be a genuine change, not for the purpose of voting. Voting is incidental to the change; that is the way I look at it.

Mr. AIKEN: That is right.

Mr. MONTGOMERY: He makes the change because he has moved, his home address has moved, and everything. If it could be used for the purpose of just changing his address for voting, and then two months later, after the election is over, he can change it back again—I would not want to see it operate in that manner.

Mr. CASTONGUAY: This amendment does not change the present practice. It extends the period of time during which a member of the Canadian forces can change his place of ordinary residence. But it must be a physical change: he just cannot pick any residence he likes, for voting purposes. He must have moved to that area.

Mr. HODGSON: The point I was trying to make a few minutes ago was this, that the officers go all out—there is no doubt about it—to get the vote for each and every man. But when they go to the poll, what have they got there to determine where they are entitled to vote in, or where they should vote?

Mr. CASTONGUAY: The commanding officer has prepared a list of all the members of the Canadian forces in his unit. That list contains the names, and the places of ordinary residence are given on that list. The deputy returning officer has his list. John Smith comes in, and his place of ordinary residence, we will say, is Carleton. He is given a ballot, and he votes for a candidate in Carleton.

Mr. HODGSON: Has that been changed since 1945?

Mr. CASTONGUAY: There have been several changes since 1945. A couple of constituencies were affected.

Mr. HODGSON: In 1945 a soldier walked in and said, "I am from" so and so—

Mr. CASTONGUAY: In 1953, for a certain election, we ran into a great deal of difficulty. The regulations were such that a member of the Canadian forces was more or less put on his honour to indicate his correct place of ordinary residence. There was nothing to check on his residence. There was a sad experience because of that, and the regulations were tightened very extensively to overcome these problems.

Mr. BELL (*Carleton*): As a result of the controversial election in Digby-Annapolis-Kings?

Mr. CASTONGUAY: That is right.

Mr. HODGSON: Four or five fellows would come to the polls, and three of them did not know who the candidates were and really what riding they came from; but then a fellow tells them, "You are from Victoria, and you vote for a fellow named Hodgson".

Mr. MONTGOMERY: That is mad.

Mr. CASTONGUAY: These regulations have been changed several times since 1940. In 1940 we did not supply the political affiliations of the candidates.

Mr. BELL (*Carleton*): Would Brigadier Lawson comment on what is my preliminary fear in connection with this, that candidates have a pretty good idea when an election is going to be held, and is there not the distinct possibility, where there are large concentrations of troops—say at Camp Petawawa, Camp Gagetown, Camp Borden—that the candidates will start two or three weeks, or a month, before the writs are actually issued to put on a drive to get persons in those camps to change their place of ordinary residence to the local area?

Are we not possibly opening the door to wide abuse in places where there are concentrations of troops?

I quite agree that December is a bad month. I would prefer to see it changed to January, or something else. But I have some knowledge of certain of the things that happened in the election we have just spoken of, and I have fears of this type of thing happening.

Perhaps Brigadier Lawson or Captain Dewis would be able to allay those preliminary fears which I have.



Mr. CASTONGUAY: I concur with the fears you have, because I have known, when parliament is running into its fourth year, of one or two constituencies where camps were that we are talking about, where people had a big campaign to try and get members of the forces to change their place of ordinary residence.

I know of one constituency in which that has happened, when parliament was in its fourth year, and they have made a campaign to get these statements changed.

The CHAIRMAN: Have you any further comment, Captain Dewis.

Capt. DEWIS: I have been in this election business in the service for a number of years, and frankly, there is only one case that I can recall where any of that was drawn to our attention. I agree that it may not be a matter that would be reported to us.

But if there is a concerted campaign, that sort of thing, I think it would get to the commanding officer's ears; and I do not know of anybody who is more allergic about political activities around his camp than a commanding officer. But I agree it is possible that might happen. I have no knowledge, or anything like that, of that having been reported.

Brig. LAWSON: I think, as the chief electoral officer has pointed out, candidates have a pretty good idea, even perhaps a year before, that there is going to be an election coming along perhaps next year, and if they really want to do something about this, even if you have your change of ordinary residence confined to one month, they could still put on a drive in that month.

I agree with Mr. Bell, of course, that when you widen the period you make this more possible. But we have considered this, and our feeling, and the feeling of the services, is that the advantages of giving the men an opportunity to make this change at any time would outweigh the possible disadvantages.

The difficulty is, of course, that men just do not think about this at the right time, and then they come to an election campaign and we find in many instances that they have to vote in constituencies in which they have no interest at all, and no knowledge of the candidates.

They say, "The next time I am going to change this", and the years roll on and they forget again, and another election comes and they are still voting in, say, Halifax and they have not been in Halifax for 15 years and know nothing about it.

It is a matter of making the thing more flexible, giving the service man the opportunity to vote where he has a real interest and where he knows something about the candidates and about the issues.

Mr. MONTGOMERY: That can work two ways, too. A man may be transferred, say a couple of months before the election, and he does not know whether he is going to be there even for the election, or not. Many times transfers take place, and then they are transferred for two or three months and are transferred again.

My concern about this is that I would like to see it happen, when a man genuinely wants to change his address. I think all service men, pretty well, know that once they get established in a place, that is the place they should have their documents fixed up for. But when troops are moving about quite a lot, I wonder if it could not be abused. That is what bothers me.

Brig. LAWSON: I suggest that the present system could be abused. We are not changing the basic system; all we are doing is making it a little more flexible. But the rules remain the same, on determining the place of ordinary residence, and everything like that.

Mr. MONTGOMERY: He is allowed to change it once a year; that is the way it is now?

Mr. BELL (*Carleton*): Yes, under the old system.

Mr. MONTGOMERY: Under the old system, he is allowed to change it once a year. Your proposal is that he might change it any time during the year; but it is limited to once a year?

Brig. LAWSON: No; not necessarily. We cannot imagine changing it more often than it would be possible for them to do it.

Mr. MONTGOMERY: That is the point.

Capt. DEWIS: Mr. Chairman, I would like to emphasize that this is a factual matter. The only choice the elector has is that he can change it to the place in which he is living by reason of his service, or he can change it to the place in which he was living when he originally enrolled. If his wife and family are in Halifax and he is in Ottawa, he can change it to Halifax, but his dependents have to be in Halifax. If he chooses Ottawa he has to be in Ottawa. If he chooses his place of residence when he enrolled he makes a declaration before a commissioned officer of his own unit. If it is not a correct declaration the unit officer has all his documents, and it is an offence under the act to make a false declaration.

Mr. AIKEN: I do not see any objection to changing the ordinary place of residence. Generally speaking, I do not think a service man has his mind on elections all the time, but he does have his mind on his place of ordinary residence. If documentation were to follow this I do not see any objection to allowing him to change his place of ordinary residence whenever he had in fact moved his home to some other place. I do not see any objection to this at all.

Mr. WEBSTER: I think it is a very good scheme.

Capt. DEWIS: The duplicate of the declaration is filed with his unit documents and stays with him wherever he is posted.

Mr. AIKEN: If a serviceman has named his wife as next of kin and his wife is living in Vancouver, that is where his home is and this is shown on his regular army documents, could he then by a separate election document have his ordinary place of residence shown as Montreal?

Capt. DEWIS: If he is serving in Montreal and his wife is in Vancouver he could choose Montreal.

Mr. WEBSTER: You have the case of west coast crews in the navy serving on the east coast.

Capt. DEWIS: Yes. While they are there they know they are going back to the west coast in a few years and prefer to keep their ordinary residence as the west coast, but if they are going to be in Halifax for four or five years they may prefer to vote in Halifax. I have found that the serviceman treats his right to vote where he is serving quite zealously, but there are others who prefer to vote where they have lived for a number of years before enrolling. We have many complaints from servicemen who find they cannot vote where they are now serving.

Mr. KUCHEREPA: Could Mr. Castonguay tell us if this provision has been amended in recent years?

Mr. CASTONGUAY: I think this was established in 1953, and has been pretty well the same since with minor amendments.

Mr. KUCHEREPA: Was it established as a result of the situation in 1940 and 1945?

Mr. CASTONGUAY: It was as a result of the situation in the one constituency where we had difficulty in 1953.

Mr. KUCHEREPA: Would the witnesses suggest perhaps another month which would be more desirable from the standpoint of the armed services for this change to be made?

Capt. DEWIS: January and February. One month is not too long a time in order to send out all the advance notices and so on. I would suggest two months, January and February.

Mr. KUCHEREPA: I think it would be better if we took our time in opening up this provision because it could lead to those practices which forced the provision to come into being in the first place.

Mr. CASTONGUAY: They selected December, because the committee at the time thought no elections would be launched in December. Elections have been launched in January, so if a member of the forces can make a change in January and February it could be during an election period right up to polling day. I would think there would have to be a rider in there providing that if an election is launched in January or February it could not be changed.

Capt. DEWIS: That is the rider we have suggested.

Mr. KUCHEREPA: The rider would have to be in there.

Mr. BELL (*Carleton*): I would be prepared to support a proposal to have it January and February provided an election were not held during that period; but I do not believe I would be prepared to support the proposal in its present form. It may be that I am unduly sensitive in this matter by reason of having had some experience in the investigation which took place after one election where this whole matter became an issue. I have a very genuine fear that if we open it up in this form what will happen is in the week before an election, when it is generally known, you will have a canvass, in an area of a large concentration of troops, of candidates and representatives of candidates endeavouring to get people to change their place of residence to the local area. I do not think you should introduce into large troop concentrations political manoeuvring of a type which is bad for the armed forces, and I think bad for the political candidates of an election.

The CHAIRMAN: The suggestion is that instead of December it be January and February, with the same qualifying expression as in the proposal before us.

Mr. KUCHEREPA: If Mr. Bell so moves I will second it. I think the witnesses agree to the modification.

Brig. LAWSON: Yes. The only reason we have put forward this proposal is that it is a matter which has been a subject of much complaint by members of the forces. This will alleviate the situation to some extent.

The CHAIRMAN: Are members clear on the proposal? Are you ready for the question? All in favour of the proposal?—that is, that it be January and February instead of December and the qualification in respect of the writ be as set forth in this suggestion.

Agreed.

The CHAIRMAN: Now we have the next proposal.

Brig. LAWSON: This is simply a matter of amalgamating some of the forms and revising them slightly.

The CHAIRMAN: The chief electoral officer concurs in this.—Are we agreed?

Agreed.

The CHAIRMAN: Now we have the sixth proposal.

Brig. LAWSON: This also is a simple one. There is no provision at present for the disposal of the ballot counterfoil and we want a provision for its disposal.

The CHAIRMAN: Is that agreed?

Agreed.



The CHAIRMAN: Gentlemen, you have had your case heard and acted upon with a great measure of approval—almost 80 per cent.

Brig. LAWSON: Thank you very much.

The CHAIRMAN: Thank you for your appearance and your statement.

Mr. BELL (*Carleton*): As a result of discussions which have taken place among the parties, there is agreement now that paragraph 9 of the regulations and paragraph 49 which provides for the appointment of scrutineers should be amended so that, of the six scrutineers, three shall be nominated by the leader of the government, two by the leader of the opposition, and one by the leader of the third political group in the House of Commons. Perhaps, for our next meeting, we might have a draft including that.

The CHAIRMAN: The draft is here.

Mr. CASTONGUAY: It is a matter of inserting the numbers.

The CHAIRMAN: I think this was distributed at the last meeting.

Mr. AIKEN: Does that mean that the group having the third largest number of members in the house would appoint one, regardless of the number of members which they have in the house?

Mr. BELL (*Carleton*): Yes.

Mr. CASTONGUAY: That may present some difficulty to me. If you had one member in the house representing a party, which would not be one of the four recognized parties now, it would help me a great deal if you could put in a yardstick. Now there is a minimum of ten members.

Mr. BELL (*Carleton*): It is recognized that if we should have in the house at any time more than three parties with a substantial membership, that this particular clause again would have to be amended. I think this carries us only through this particular parliament. Personally, I would hope that it would carry us longer than that, but I do not think it is possible for anybody to forecast.

Mr. McWILLIAM: I would like to support the view put forward by Mr. Bell. I think it is a fair distribution and it would apply only to this parliament, as he said. If there is a change in the structure at another election, we could deal with it at that time.

Mr. CASTONGUAY: Would the committee agree that instead of ten as at present we reduce it to five?

Mr. BELL (*Carleton*): No. I think for the time being the understanding is it shall be one nominated by the leader of the political group having the third largest membership in the House of Commons.

The CHAIRMAN: Now, gentlemen, it will still be required to amend the Canadian forces voting regulations and go through them seriatim. We have discussed many of these matters before.

We thought that on Thursday we would take up radio broadcasting. It well might be that we could find time on Wednesday to deal with the regulations, and having disposed of those we will have only one more subject between us and the completion of our work.

Mr. BELL (*Carleton*): While we have Brigadier Lawson and Captain Dewis here, would it be possible for the members of the committee to take another half hour to go ahead with these regulations seriatim.

The CHAIRMAN: It is an excellent suggestion if the members are prepared to carry through.

Mr. Castonguay, you have no further suggested amendments to these regulations?

Mr. CASTONGUAY: None, sir.

Mr. BELL (*Carleton*): Mr. Pickersgill and I raised the question of the use of the word "regulation" in connection with this. Under the Regulations Act, I think the term "regulation" has a technical significance. These really are not regulations as such. Is there other appropriate terminology which we might use.

Mr. CASTONGUAY: We have given this matter consideration. Frankly I cannot think of any other term you could use.

Brig. LAWSON: Unless you were to incorporate the regulations in the act as a separate section. They are an act of parliament. Why should they not be in that form? We find it confusing, because generally regulations are things which can be amended by order in council. The question has been asked, if these are regulations why cannot the governor in council amend them.

Capt. DEWIS: For instance, it could be constituted as part II of the Election Act. There are a number of acts in which you have parts I and II dealing with separate subjects.

Mr. CASTONGUAY: The act refers to schedules.

Mr. BELL (*Carleton*): Has the word "rules" any particular significance? In the schedule to section 17 we use the term "rule". This may be a small matter, but I think there is an issue involved. As Brigadier Lawson points out, people say why cannot the governor in council amend these if they are just regulations.

Brig. LAWSON: I would prefer to have another name so that it would be more understandable to people.

The CHAIRMAN: Canadian forces voting rules has been suggested.

Mr. AIKEN: I do not think that is much improvement. I still think we have the same objection. Rules and regulations are about the same thing, except for the use of the word. I think probably we should look a little further for an acceptable word.

Mr. WEBSTER: It could be incorporated as part II of the Elections Act.

Mr. BELL (*Carleton*): Do you, Mr. Aiken, agree that the word "regulation" should be changed if we can find a suitable word?

Mr. AIKEN: Yes; but I do not think "rules" is the right word. I think the significance of the word is of no more value than "regulations".

Mr. CASTONGUAY: Might I suggest "Canadian forces voting procedure"?

Mr. BELL (*Carleton*): What term would you use, for example, when you come to section 2? I suppose you could say "This procedure applies."

Mr. KUCHEREPA: Suppose you were to use the words "manual of procedure", describing it as a manual on Canadian voting procedure?

Mr. CASTONGUAY: These regulations pretty well deal with one single body of people, members of the Canadian forces. It is not as if you were dealing with nine million electors. You are just dealing with 100,000.

The CHAIRMAN: Well, we have had some suggestions, and we have had the suggestion that the expression remain as it is.

Mr. AIKEN: May I ask under what legislative section the Canadian forces voting regulations are enacted?

Mr. CASTONGUAY: Schedule 3 of the act.

Mr. AIKEN: Then is there any reason why the section should not merely be referred to, as and when you use it, by the word "schedule"?

The CHAIRMAN: Strictly speaking we have section 111 before us now, as we have had all during the meeting.

Mr. BELL (*Carleton*): Has this ever been discussed with the Department of Justice?

Mr. CASTONGUAY: Just offhand.

Mr. BELL (*Carleton*): Why not leave it, then, until the next meeting. I think we all agree that there is an issue here. Brigadier Lawson confirms the point of view that he would like to get rid of that word, which has a technical meaning under the regulations themselves. It may be that between now and the next meeting either the Department of Justice or a consultation between Brigadier Lawson and the chief electoral officer may bring about some suggestions to be made.

The CHAIRMAN: This points up our unwisdom in discussing the title before the other sections.

Section 3 agreed to.

I suggest we stand section 4.

Section 5 agreed to.

I think the committee will agree that either of our witnesses may feel free to comment on any section as we take it up.

Sections 6, 7, 8 and 9 agreed to.

Mr. Castonguay recommends the addition of 9-A which you have had before you in the document.

Mr. CASTONGUAY: This is to take care of the headquarters at Ottawa and the headquarters at Edmonton. I have to employ more scrutineers because there is a larger vote. There is a similar provision for the appointment of a deputy special returning officer, but this would give me the authority to appoint an additional scrutineer. I have used section 99 of the act to appoint additional scrutineers before, in excess of what the regulations called for; but I prefer to have the statutory support of this 9-A, because I will have to appoint additional ones.

Mr. BELL (*Carleton*): This would give you the statutory authority for what you have already done?

Mr. CASTONGUAY: Yes.

The CHAIRMAN: Sections 10, 11, 12, 13, 14, 15 and 16 agreed to.

At an earlier meeting we adopted the amendment to section 14, so I should say that it is agreed to as amended.

Mr. CASTONGUAY: It was to have the word "printed" taken out, and to permit to supply any kind of list and to give me an opportunity to have the list printed, mimeographed or typewritten, and there was a consequential amendment in section 12 which was approved as 12-G, where the word "printed" was removed.

The CHAIRMAN: Yes, section 12-G, deletion of the word "printed".

Mr. BELL (*Carleton*): Is the last sentence of section 15 causing any problems in using designated letters to indicate political affiliations?

Mr. CASTONGUAY: There have been problems, but none which cannot be resolved.

Mr. BELL (*Carleton*): In practice the chief electoral officer consults party headquarters?

Mr. CASTONGUAY: Yes, that is right, and there has been no difficulty.

The CHAIRMAN: Sections 17, 18 and 19 agreed to.

Mr. CASTONGUAY: In section 19 the word "printed" comes out. These amendments were in my original submission to the committee, and they were all approved.

The CHAIRMAN: Section 20 "Qualifications of Canadian forces elector". Is there anything on that?



Mr. BELL (*Carleton*): Subsection 2 in its present form reads:

—any person who, on or subsequent to the ninth day of September, 1950—

He is obviously well over the age of 21 years.

Mr. CASTONGUAY: If the forces are on active service, this still applies now. This date of the 9th of September, 1950 was the date of the official going on active service, and so long as the forces are on active service, which they are now, this particular subsection applies.

The CHAIRMAN: Yes, it is on or subsequent to that date. Section 20 agreed to.

Section 20-A and 20-B agreed to.

Section 22 "Canadian forces elector". Are there any questions?

Capt. DEWIS: This is where we are to consolidate the forms, and we have a proposed amendment. It is on the basis that they can change it at any time, except during the election. The result of the committee's decision would be that we would have to redraft that; and the change is to be done in January or February.

The CHAIRMAN: Yes, we will look at it at the next meeting. Let us stand it now.

Sections 23 and 24 agreed to.

Section 25 "Publication of notice of general election".

Mr. BELL (*Carleton*): This is the problem we had up earlier this morning. Would there be any advantage in adopting Captain Dewis' suggestion, that in the discretion of the commanding officer they set a fixed period of, let us say, three or four days?

Brig. LAWSON: We prefer to have the six days. It may well be you could only get the people back in on Friday or Saturday to vote. We make every effort to get the vote in earlier in the week, but in some cases it is convenient to do it right at the end.

Capt. DEWIS: It may be handy in getting the vote on a ship. If we are not going to have one day we would prefer to have the full six days. There could be cases where you would need that much time.

Mr. BELL (*Carleton*): What will the situation be of a man who was travelling for the first five days and who came in to vote at a place which was not his own unit, and the commanding officer said, "We are all finished; everybody has voted." Would that man be able to vote there? Would it be opened for him?

Capt. DEWIS: It would depend. If the commanding officer published a notice that it would be open on the Saturday, it would be; but if the notice stated it would be closed and the voter came there, it would be quite within the commanding officer's right to say, "Sorry." But I would like to think it would not be too much trouble for him to open it.

Brig. LAWSON: I think, in the ordinary case, if the commanding officer 'phoned the deputy returning officer and said, "I have a man here who wants to vote," the returning officer would say, "Open the poll and let him vote."

Capt. DEWIS: They do not return voting material to the special returning officer until the six days are completed, so it would not be much bother to open it for one.

Mr. BELL (*Carleton*): What about three compulsory and three discretionary days?

Brig. LAWSON: We are trying to avoid a sheer waste of time keeping the poll open when nobody is left to vote. We have to set up polls in places where there are very few voters, and then we have an officer and staff sitting around doing nothing for a week.

Mr. AIKEN: I think, if the actual dates of polling are posted in advance—in which case, certainly those on the station know—I cannot see any objection to it. That was my original objection, that the commanding officer should not have the right to open and close a poll at his convenience. But if he notified the dates and hours on which the polls are to be opened, then I think that is enough notice.

Mr. BELL (*Carleton*): I suggest we have a draft prepared for the next meeting, on the basis of three compulsory and three discretionary days. I think the committee would be prepared to approve that.

The CHAIRMAN: We will stand this until the next meeting and look at an amendment, along those lines.

Section 26. Are we agreed?

Agreed to.

The CHAIRMAN: Section 27—Canadian forces elector in hospital, etc. Any comment on this? Are we agreed?

Agreed to.

The CHAIRMAN: Section 28. We have withdrawn the word “printed” again from this section.

Agreed to.

The CHAIRMAN: Section 29, agreed?

Agreed to.

The CHAIRMAN: Section 30, are we agreed?

Agreed to.

The CHAIRMAN: Section 31, again in the third-last line the word “printed” is withdrawn. Are we agreed?

Agreed to.

The CHAIRMAN: Section 32?

Mr. BELL (*Carleton*): To what extent is the right given by this section used? Can anyone indicate that?

Mr. CASTONGUAY: I have no information on that.

Capt. DEWIS: As far as my information is concerned, I do not recall any specific cases coming to my attention, though I think there were two or three. These forms are completed by the representative of the candidates, and they are forwarded to the chief electoral officer, so we would not have any direct reports. There have been representatives, but they are very very few, so far as I know.

The CHAIRMAN: Agreed?

Agreed to.

The CHAIRMAN: Section 33—declaration by Canadian forces elector, as defined in paragraph 20.

Capt. DEWIS: There is one minor amendment we are putting up.

You will notice it says:

—if no such statement appears to have been made, he shall subscribe to a statement, in form No. 16, if he is a member of the regular forces, or in form No. 18, if he is a member of the reserve forces—

Under the National Defence Act we have three components of the Canadian forces, the regular force, reserve force and the active service force. The active service force is a separate component which can be set up in an emergency by the governor in council. Members of the regular reserve forces can be placed in this force, or we can enrol a person from the street in the active service force. If he joins and he has not completed one of these statements by the time the vote comes around, he would not be able to complete a statement the way a member of the reserve or regular force could. Our suggestion is that it should be if he is a member of the regular or reserve forces or the active service force. We have a redraft of that prepared now. That is the only change.

The CHAIRMAN: Is the committee agreeable to this?

Agreed.

The CHAIRMAN: We will have that draft brought before us. Is there anything further in respect of section 33? We will have the question when we have the draft before us.

Section 34, manner of voting by Canadian forces elector. Is there any comment on this? Are we agreed?

Mr. KUCHEREPA: In subsection (3) of section 33 I see the words:

—he shall not be allowed to vote nor again be admitted to the voting place—

Did we not change that in respect of the act?

Mr. CASTONGUAY: We did in so far as civilians are concerned.

Mr. KUCHEREPA: Do you not think in order to have conformity we should consider a change here.

Mr. CASTONGUAY: I think with a civilian you have the returning officer very handy, but with the service vote you have special returning officers in four voting territories. The appeal would be rather meaningless.

Capt. DEWIS: There is one small thing in subparagraph (3), "accredited representatives of a political party". In section 32 we refer to a political group. In the Canada Elections Act generally it is political group. It is a question of wanting to tidy it up by using the word "group" instead of "party". Obviously, they are referring to persons appointed under section 32.

Mr. BELL (*Carleton*): This would appeal to the hon. member for Essex East.

The CHAIRMAN: Yes. That can be taken note of in the draft.

Section 35. Disposition of completed outer envelope.

Mr. AIKEN: Some time before we complete the sections concerning forces voting I want to raise a matter. I am not sure whether or not this is the right place. I have been completely unhappy over the whole service voting for one sole reason. I have not had the vaguest idea who are the service people in my riding who vote and who are eligible to vote. I have had about 200 persons who voted and in checking around my riding I cannot find more than fifteen or twenty persons who are in the armed services. I have tried to get lists of the people who are in the service from our riding and it has not been provided. The reason I raise this under section 35 is there may be a possibility that if it is not too much work after the ballots have been removed and there is no way of knowing how the person has voted they might be tabulated by ridings, so that there will be a list somewhere showing the people who have voted. I would be most interested in finding out.

I was never happy about this. I do not know who these people are. They are supposed to come from our riding but I am positive that many of them do not. I do not know who they are at all and I never have been able to



find out. I think most other members are in the same position. So far as I know there are no more than fifteen or twenty persons in my riding who are serving in the armed forces.

Mr. CASTONGUAY: I get the used outer envelopes and they are destroyed after a year. Any list of people voting would have to be supplied by me, but if you get into this type of principle how about the poll books for the civilian votes.

Mr. AIKEN: You have a voters list for the civilian vote and there is no difficulty, but you have nothing at all on a service vote. Somebody over in Indo-China votes in your riding and you wonder where on earth he comes from.

Mr. CASTONGUAY: I know it is very difficult to boil it down to a constituency to give a list of candidates, but one of the functions of the scrutineers is to examine the list prepared by the commanding officer, and they represent the various recognized political groups. They can check for the candidates the lists supplied by the commanding officers. It is their right to examine them.

Mr. BELL (*Carleton*): Are the outer envelopes retained in your possession for a year available to inspection?

Mr. CASTONGUAY: No. Only under order of the court. The outer envelope really is a poll book.

Mr. AIKEN: In fact there is no way of knowing who has voted in a particular riding.

Mr. CASTONGUAY: You have a scrutineer representing your political party there. I do not know whether or not he would be prepared to take the time off from his other duties to compile a list for you from the many many lists.

Mr. AIKEN: I do not like to suggest extra work.

Mr. CASTONGUAY: From my own point of view I think the outer envelope should be considered the same as a poll book. Maybe the committee has a different view, but I think if you make the inspection of the outer envelope free to everyone I do not see why the poll books should not be classified that way, and you would then have some wonderful fishing expeditions.

Mr. AIKEN: The only idea in the back of my mind is the possibility of preparing lists of persons who have voted in the riding.

Mr. KUCHEREPA: I think what Mr. Aiken is driving at is he would like to have a list of those who are eligible to vote.

Mr. AIKEN: Yes. I do not care about those who have voted. There does not seem to be any way of finding out prior to an election. I feel that these names are all consolidated at one point in the procedure and they all come together in the chief electoral officer's office.

Mr. CASTONGUAY: No. The Department of National Defence keeps the duplicate of every oath of change of ordinary residence here at headquarters in Ottawa. I understand they have them filed by provinces.

Mr. AIKEN: But they will not give them to us.

Mr. MONTGOMERY: If there have been 125 votes polled and you cannot find over 100 in your constituency, then you wonder who they are.

Mr. CASTONGUAY: They might be people posted there who were not necessarily born and raised in the constituency.

Mr. MONTGOMERY: In a rural constituency you know pretty well who is there.

Mr. AIKEN: I have 300 in my particular riding and I could find no more than 15 at the outside.

Mr. CASTONGUAY: The Department of National Defence has that information. I do not have it.

Mr. KUCHEREPA: The only way that could be made available would be if there was a list of eligible voters in the Department of National Defence and that could be filed in the constituency and the chief electoral officer would have a list as he would have of any subdivision in any given constituency.

Mr. LAWSON: We could not accept responsibility for putting the address in the proper constituency. These statements only show the actual physical address.

Mr. KUCHEREPA: What in effect is being asked of the scrutineer who may be attending an election would be that he do the kind of work which the department has found to be quite extensive in its nature which is physically and humanly impossible for him to do.

Mr. AIKEN: I am not suggesting that this should be made up in every case, but perhaps when a member requests it. Suppose a member requests a list of the persons who are eligible to vote, could such a list be made up?

Brig. LAWSON: It could be done, but it would be a simply fantastic job. It would mean inspecting the statements of ordinary residence for every one of the 120,000 members of the forces, and then deciding if it was in this particular constituency or not. It could be done, but it would be a tremendous job.

Mr. AIKEN: Well, there were 200 votes in my riding; there must have been 200 people. These votes are tabulated and returned somewhere, and somebody, somewhere, must know who cast the votes.

Capt. DEWIS: It could be in the United Kingdom, Germany or France.

Brig. LAWSON: We would have no means of telling who came from your riding, Mr. Aiken, without examining every statement of ordinary residence.

Mr. AIKEN: Well, 200 people came from there.

Mr. MONTGOMERY: You could just make a list of what the records show, and not try to find out whether they really belong there.

Brig. LAWSON: We do not keep records by constituencies.

Mr. AIKEN: They vote by constituencies. There were 200 people who cast votes in Parry Sound and Muskoka.

Mr. CASTONGUAY: It would be simple for me to make a list of the names on the outer envelopes after an election. However, the poll book is considered secret, unless it is asked to be produced by a court in contesting an election. The outer envelope is the same thing as a poll book. It is simple for me to have a list of all the people who voted in your district, or any other district, but then we are departing from the principle that it is a secret document—unless it is asked to be produced by a court.

The CHAIRMAN: If I may interject, I do not think the analogy of the poll book is what Mr. Aiken has in mind. He is talking about something analogous to the enumeration process. We came across the separateness, when we get to the vote counting but not in the stage where the votes are being enumerated. Perhaps it really is not germane to introduce the poll book with the envelope.

Mr. AIKEN: It seems to me the only way this would crystallize would be if the outer envelopes came into somebody else's hands. Then, it would be possible.

Mr. BELL (*Carleton*): The only remedy you have, Mr. Aiken, is to put a representative in the offices of each of the four special returning officers, in each voting territory, examine the lists, and take the people from those lists.

Mr. AIKEN: I am not suggesting there is anything wrong, but I am very interested in finding out who on earth the 200 servicemen are in my riding. I want the service vote.

Mr. MONTGOMERY: It is possible that somebody voted in that riding who did not belong. That is quite possible. For instance, there is Carleton-Victoria, and then there is a Carleton and a Victoria, and people can get mixed up.

The CHAIRMAN: I think Mr. Aiken has a fundamental question, but I do not think we can encompass it in section 35.

Mr. AIKEN: I just wondered if there was an answer.

Mr. KUCHEREPA: We already have a breakdown by provinces and then, in the average every day affairs, there is a breakdown, in most cases, by municipalities, and I cannot understand why a further breakdown could not take place as soon as the return is obtained at defence headquarters. It would mean, in the case of Ontario, into the number of constituencies which we have.

Mr. MONTGOMERY: But you do not get that until after the vote.

Mr. KUCHEREPA: I am speaking of a full list of those who are eligible, whether they cast their ballots or not, from the standpoint of knowing who belongs to which constituency.

Brig. LAWSON: What you really want is a voters list, in the services, for each constituency. Of course, this could be done, but it would be a very major job. It would involve analyzing 120,000 records.

The CHAIRMAN: Is there anything further on section 35?

Mr. MONTGOMERY: Once it is done, it might be kept up to date fairly easy, because there are not too many changes.

Brig. LAWSON: There is a very large turnover in the services. You not only have the people coming in and going out, but you have people who are changing their place of ordinary residence. It could be done, but it would be a major job to do it.

Mr. AIKEN: I recognize the impossible, and that is why I raised it here—hoping that it could be solved in some way.

The CHAIRMAN: Is there anything further on 35?

Agreed to.

The CHAIRMAN: Section 36—voting by deputy returning officers. Are we agreed?

Agreed to.

The CHAIRMAN: Section 37?

Brig. LAWSON: That is the one where we bring in the counterfoil, and provide for the disposing of them.

Mr. BELL (*Carleton*): A draft amendment is satisfactory.

Agreed to.

The CHAIRMAN: Section 38?

Agreed to.

The CHAIRMAN: Is there anything on section 39?

Agreed to.

The CHAIRMAN: Section 40 is next. Does anyone wish to broaden this?

Mr. AIKEN: I would like to be sure this one is carried out.

Agreed to.

The CHAIRMAN: Sections 41 to 65 deal with the veterans.

Mr. CASTONGUAY: There are no suggested amendments there; the regulations are operating well.



The CHAIRMAN: We have one under section 49. We have the amendment to section 49, which we looked at the other day, and again today.

Would it be the wish of the committee to take sections 41 to 65 as a group?

Mr. WEBSTER: We have had no complaints on that?

Mr. CASTONGUAY: No.

The CHAIRMAN: Is it agreed that we take them en bloc?

Agreed to.

The CHAIRMAN: No changes?

Mr. CASTONGUAY: Except section 49, and you have approved of the formula for that.

The CHAIRMAN: We will take sections 41 to 65. Is there anything on any of these sections? Are we agreed?

Section 41 to 65 agreed to.

The CHAIRMAN: Section 66. The following sections are procedural. Is there anything on 66? Are we agreed?

Agreed.

The CHAIRMAN: Section 67? Agreed?

Agreed.

The CHAIRMAN: Section 68. Agreed?

Agreed.

The CHAIRMAN: Section 69. Agreed?

Agreed.

The CHAIRMAN: Section 70. Agreed?

Agreed.

The CHAIRMAN: Section 71. Agreed?

Agreed.

The CHAIRMAN: Section 72, commencement of the counting of the votes. Is there any comment on this? Agreed?

The CHAIRMAN: Section 73.

Mr. BELL (*Carleton*): I have a question on 72, Mr. Chairman. Mr. Castonguay mentioned there being approximately 100 envelopes which were received late.

Mr. CASTONGUAY: Yes.

Mr. BELL (*Carleton*): Would there be any objection to actually counting those, provided they were received at any time prior to the conclusion of the counting of ballots?

Mr. CASTONGUAY: It would mean that the secretary would be affected. You would open one envelope, and there may be only one envelope received late, and it would violate the secrecy of that envelope. I think that would be the major objection to that; and, also, it would disturb the count. But the major objection would be as regards the secrecy of that ballot.

The CHAIRMAN: That would be fundamental. Is there anything further on 72?

Agreed.

The CHAIRMAN: Section 73, scrutineers to work in pairs. Agreed?

Agreed.

The CHAIRMAN: Section 74, ballot box. Agreed?  
Agreed.

The CHAIRMAN: Section 75. Have you any comment on this, Mr. Castonguay?

Mr. CASTONGUAY: No comment, Mr. Chairman.

The CHAIRMAN: Are we agreed?  
Agreed.

The CHAIRMAN: Procedure when counting votes—76.  
Agreed.

The CHAIRMAN: Section 77, application of votes cast. Agreed?  
Agreed.

The CHAIRMAN: Section 78, rejection of ballot papers. Agreed?  
Agreed.

The CHAIRMAN: Section 79, disposition of rejected ballot papers. Agreed?  
Agreed.

The CHAIRMAN: Section 80, disposition of ballot papers and other supplies.  
Agreed?  
Agreed.

The CHAIRMAN: Section 81, transmission of ballot papers, and so on, to chief electoral officer. Do you have any comment on this, Mr. Castonguay?

Mr. CASTONGUAY: No comment.

The CHAIRMAN: Are we agreed on section 81?  
Agreed.

The CHAIRMAN: Section 82?  
Agreed.

The CHAIRMAN: Section 83?  
Agreed.

The CHAIRMAN: Section 84, liability of Canadian forces elector or veteran elector. Agreed?  
Agreed.

The CHAIRMAN: Section 85. Agreed?  
Agreed.

The CHAIRMAN: Section 86.  
Agreed.

The CHAIRMAN: On section 87 there is a substitute amendment which is in consequence of a further one—on the withdrawal of candidates. Is that clear, this consequential amendment? Are we agreed to that?  
Agreed.

The CHAIRMAN: Section 88. This is pretty inevitable. Are we agreed?  
Agreed.

The CHAIRMAN: Section 89.

Mr. BELL (*Carleton*): How long has this section been in—from the outset of these regulations?

Mr. CASTONGUAY: Section 88?

Mr. BELL (*Carleton*): Section 89.

Mr. CASTONGUAY: Yes, it has been.

The CHAIRMAN: Are there any other questions?

Mr. BELL (*Carleton*): Was that in the regulations at the time of the Digby-Annapolis-Kings matter?

Mr. CASTONGUAY: Yes, it was.

The CHAIRMAN: Section 89 is agreed to?

Agreed.

The CHAIRMAN: Section 90, recounting by a judge. Agreed?

Agreed.

The CHAIRMAN: Section 91. Agreed?

Agreed.

The CHAIRMAN: Section 92 agreed to. Are there any comments on the forms, apart from this?

Mr. CASTONGUAY: There will be some consequential amendments which we will have to make in view of some of the provisions having been changed. There will be just the form numbers changed to bring them into line.

Capt. DEWIS: In paragraph 25 we have to consolidate 15, 16, and 17. So there will be a consolidation of forms 15, 16 and 17, and a minor amendment to 18.

Mr. CASTONGUAY: Form No. 5 would have to be changed with respect to days.

Capt. DEWIS: Yes.

Mr. BELL (*Carleton*): Perhaps separate copies of these new forms could be made available to us at the next meeting.

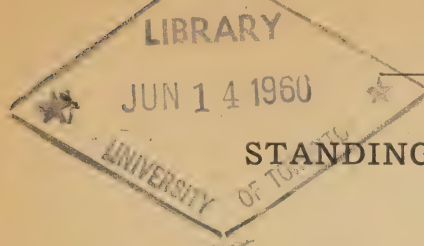
The CHAIRMAN: Yes, at the next meeting; and we will also look at the title. Thank you very much, gentlemen.





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament  
1960



STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 17

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THURSDAY, JUNE 2, 1960

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Respecting

CANADA ELECTIONS ACT

---

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada. *And from the Department of National Defence:* Brigadier W. J. Lawson, Judge Advocate General; and Captain J. P. Dewis, RCN, Deputy Judge Advocate General.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Wooliams—29.

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## MINUTES OF PROCEEDINGS

THURSDAY, June 2, 1960.

(19)

The Standing Committee on Privileges and Elections met at 9.35 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Aiken, Barrington, Bell (*Carleton*), Caron, Grills, Henderson, Howard, Kucherepa, Macquarrie, McGee, McWilliam, Montgomery and Pickersgill.—(13)

*In attendance:* Mr. Marcel Lambert, M.P., Parliamentary Secretary to the Minister of National Revenue; Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C. Assistant Chief Electoral Officer. *From the Department of National Defence:* Brigadier W. J. Lawson, Judge Advocate General; and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General.

The Committee resumed its consideration of the Canada Elections Act and the Canadian Forces Voting Regulations, the witnesses supplying information thereon.

*On Schedule three to the Act (The Canadian Forces Voting Regulations):*

*Agreed,—That Paragraph 1 be adopted.*

The Judge Advocate General submitted a revised copy of the draft bill considered at the last meeting. The provisions of the said draft bill were amended and adopted as follows:

1. Section 14 of the Canada Elections Act is amended by adding thereto the following subsection:

(8) Paragraph (c) of subsection (1) does not apply to the wife of a Canadian Forces elector who resided with her husband during his service outside Canada.

### *Schedule Three to the said Act*

2. Paragraph 4 of *The Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act* is amended by adding thereto, immediately after clause (f) thereof, the following clause:

“(fa) “enrol” means to cause any person

(i) to become a member of the Canadian Forces, or

(ii) to transfer to the regular forces from any other component of the Canadian Forces;”.

1952-53,  
c. 24, s. 7.  
1955, c. 44,  
s. 39.

3. (1) Subparagraphs (2), (3) and (4) of paragraph 22 of the said Regulations are repealed and the following substituted therefor:

22. (1) Every person other than a person referred to in subparagraph (2) shall, forthwith upon his enrolment in the regular forces complete in duplicate before a commissioned officer, a statement of ordinary residence in Part I of Form No. 16 indicating the

city, town, village or other place in Canada in which his place of ordinary residence immediately prior to enrolment was situated.

(2) Every person who did not have a place of ordinary residence in Canada immediately prior to his enrolment in the regular forces shall, as soon thereafter as he acquires a place of ordinary residence in Canada as described in subclauses (i) or (ii) of clause (a) of subparagraph (3), complete in duplicate before a commissioned officer, a statement of ordinary residence in Part II of Form No. 16.

(3) A member of the regular forces who is not a member of the active service forces of the Canadian Forces may, in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election,

(a) subject to subparagraph (4), by completing a statement of change of ordinary residence in Part III of Form No. 16, in duplicate, before a commissioned officer, change his place of ordinary residence to any one of the following:

(i) the city, town, village or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependent, relative, or next of kin of such member;

(ii) the city, town, village or other place in Canada, with street address, if any, where such member is residing as a result of the services performed by him in the forces; or

(iii) the city, town, village, or other place in Canada, with street address, if any, in which was situated his place of ordinary residence immediately prior to enrolment, and

(b) if he has failed to complete a statement of ordinary residence as mentioned in subparagraph (1) or (2), complete such statement of ordinary residence in *Part I or II* of Form No. 16, as applicable.

(4) Notwithstanding subparagraph (3) where a statement of change of ordinary residence is completed changing the member's place of ordinary residence to a place in an electoral district where a writ ordering a by-election has been issued, the statement shall not be effective to change the member's place of ordinary residence for the purpose of that by-election.

(2) Subparagraph (7) of paragraph 22 of the said Regulations is repealed and the following substituted therefor:

(7) On enrolment in the active service forces, every person who is not a member of the regular forces or reserve forces shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18 indicating the city, town, village or other place in Canada in which is situated his place of ordinary residence immediately prior to enrolment in the active service forces.

(3) Paragraph 22 of the said Regulations is further amended by adding thereto the following subparagraph:

(9) In lieu of the forms prescribed in this paragraph, the forms prescribed in paragraph 22 of *The Canadian Forces Voting Regula-*

tions in Schedule Three to the *Canada Elections Act*, chapter 23, Revised Statutes of Canada 1952, may be used in the circumstances prescribed in that paragraph.

4. Paragraph 25 of the said Regulations is repealed and the following substituted therefor:

25. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day.

(2) It shall be stated in the notice referred to in subparagraph (1) that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose during such hours and on such days of the period of six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive, as may be fixed by the commanding officer, which shall be not less than three hours a day on at least *three* days of that period.

(3) The commanding officer shall afford all necessary facilities to Canadian Forces electors of his unit, and to the wives of such electors who are Canadian Forces electors, as defined in paragraph 20A, to cast their votes in the manner prescribed in these Regulations.

(4) The commanding officer may establish mobile voting places in any area to take the votes of Canadian Forces electors who cannot conveniently reach other voting places established at his unit and such mobile voting places shall remain in the area and be open for the taking of votes of Canadian Forces electors during such hours and on such days of the service voting period as the commanding officer deems necessary to give all such electors in the area a reasonable opportunity to vote.

(5) On at least three days before the period fixed for voting by Canadian Forces electors as provided in subparagraph (2) and on every day on which such voting takes place, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating

- (a) the days and dates upon which Canadian Forces electors may cast their votes;
- (b) the exact location of the voting places established for each unit;
- (c) in the case of a mobile voting place, the area in which such mobile voting place will operate; and
- (d) the hours during which Canadian Forces electors may cast their votes at each of such voting places."

5. Subparagraph (1) of paragraph 33 of the said Regulations is repealed and the following substituted therefor:

"(1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20, the deputy returning officer before whom the vote is to be cast shall require such elector to



make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name, rank and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement, in Form No. 16, if he is a member of the regular forces, or in Form No. 18, if he is a member of the reserve forces or the active service forces, before a commissioned officer or a deputy returning officer, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown on Form No. 16 or Form No. 18; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause such Canadian Forces elector to affix his signature to the said declaration and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

6. Paragraph 37 of the said Regulations is repealed and the following substituted therefor:

37. (1) A Canadian Forces elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the deputy returning officer, who shall deface it and deliver another to the Canadian Forces elector in its place.

(2) Any ballot paper that has been defaced pursuant to subparagraph (1) shall be classified as a spoiled ballot paper, and when the voting is completed, shall be transmitted to the commanding officer, together with all counterfoils, declarations completed by representatives of political parties and unused ballot papers and envelopes.

(3) The commanding officer shall forthwith transmit to the appropriate special returning officer all spoiled ballot papers, counterfoils, declarations made by representatives of political parties, unused ballot papers and envelopes in his possession or received from deputy returning officers.

7. Form No. 5 of the said Regulations is repealed and the following substituted therefor:

"FORM No. 5

*Notice to Canadian Forces Electors that a  
General Election has been ordered in Canada. (Par. 25)*

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling day is ....., the ..... day of ..... 19....

Notice is further given that, pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph 20 of the said Regulations\*, and the wives of such Canadian

Forces electors residing with their husbands outside Canada\* are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

And that voting by Canadian Forces electors in this unit will take place during the six day period commencing on Monday, the ..... day of ..... 19 ....

And that a notice giving the exact location of each voting place established in the unit under my command, together with the days and hours fixed for voting in such voting places, will be published in Daily Orders on at least three days before commencement of the voting period and on every day that voting takes place.

Given under my hand at ..... this ..... day of ..... 19....

.....  
Commanding Officer."

\*NOTE: Strike out the words between asterisks when the unit is stationed in Canada.

8. Forms Nos. 15, 16, 17 and 18 of the said Regulations are repealed and the following substituted therefor:

#### "FORM NO. 16

#### STATEMENT OF ORDINARY RESIDENCE REGULAR FORCES

##### I HEREBY DECLARE

THAT my name is .....  
that my age is ....., that my rank is .....  
....., and that my number is.....

##### PART I.

(This Part applies only to a member of the regular forces on and subsequent to enrolment if he had a place of ordinary residence in Canada immediately prior to enrolment)

That my place of ordinary residence in Canada immediately prior to the date of my enrolment, (as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*) was

.....  
(Insert name of city, town, village or other place in Canada with  
.....  
street address, if any, and province)"

##### PART II.

(This Part applies only to a member of the regular forces who did not have a place of ordinary residence in Canada immediately prior to enrolment)

That the place of my ordinary residence in Canada (as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*) is

.....  
(Insert name of city, town, village or other place in Canada with  
.....  
street address, if any, and province)

## PART III.

(This Part applies only to a member of the regular forces who has previously completed Part I or Part II above. Such member may change his ordinary residence to one of the places mentioned in clauses (i), (ii) or (iii) of subparagraph (3)(a) of paragraph 22.

This Part may be completed in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling date at that election.)

That I wish to change my place of ordinary residence from

.....  
*(Insert name of city, town, village or other place in Canada with*  
 .....  
*street address, if any, and province)*

to .....  
*(Insert name of city, town, village or other place in Canada with*  
 .....  
*street address, if any, and province)*

I FURTHER DECLARE that what is stated above is true in substance and in fact.

Dated at ..... this ..... day of ....., 19....

.....  
*Signature of member of the regular forces*

## CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....  
 Signature of commissioned officer  
 or of deputy returning officer

.....  
*Insert rank, number and name of unit*

## FORM NO. 18

STATEMENT OF ORDINARY RESIDENCE. (Par. 22(5), (6) and (7)  
 and par. 33(1).)

(Applicable to

(a) members of the reserve forces

(i) on full-time training or service not on active service during period commencing on date of ordering of general election, or

(ii) on being placed on active service,

(b) persons enrolled in the active services forces, and

(c) persons required to complete this Form pursuant to paragraph 33(1).)



I HEREBY DECLARE

THAT my name is .....  
that my age is, ....., that my rank is  
....., and that my number is.....

THAT my place of ordinary residence in Canada immediately prior to:

the commencement of my current continuous period of full-time training or service/and active service

or

being placed on active service not immediately preceded by a period of full-time training or service,

or

the date of my enrolment in the active service forces as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations* is ....

.....  
(Insert name of city, town, village or other place in Canada, with street address, if any, and province)  
.....

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at ....., this ..... day of....., 19....

.....  
Signature of member of reserve forces  
or active service forces

CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER

I HEREBY CERTIFY that the above mentioned member of the reserve forces or the *active service forces* of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....  
Signature of commissioned officer or  
of deputy returning officer.

.....  
(Insert rank, number and name of unit)."

On Paragraph 33: The following amended subparagraph (3) was adopted:

(3) A Canadian Forces elector, if required by the deputy returning officer, or by an accredited representative of a political group, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place; the said affidavit of qualification shall be subscribed to before the deputy returning officer.

The Canadian Forces Voting Regulations were adopted as amended.

Section 111 of the Act was adopted.

On Section 17 of the Act:

Subsection (9) of the Section was amended to read as follows:

(9) The returning officer shall, upon receipt of the *three* certified copies of the statement of changes and additions for each urban polling

division comprised in the revising officer's revisal district, pursuant to Rule (41) of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot boxes, one copy of the statements of changes and additions received from the revising officers or from the rural enumerators, together with the preliminary lists, to the appropriate deputy returning officers, for use at the taking of the votes.

Subsection (12) of the Section was amended to read as follows:

(12) If, after the sittings of the revising officer, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent pursuant to Rule (33), or by a pair of receiving agents pursuant to Rule (33A), of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 21, entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.

The Section, as amended, was adopted.

*On Section 38:*

*Agreed,—*That Subsection (2) be repealed.

The Section was adopted as amended.

*On Section 101:*

The memorandum of the Canadian Association of Broadcasters, submitted on April 21, 1960, was considered by the Committee. Discussion followed.

The Committee agreed that there should be no political broadcasting during the forty-eight hours immediately preceding polling day.

Sections 2 and 87 of the Act were adopted.

Mr. Howard moved, seconded by Mr. Pickersgill,

That the Chief Electoral Officer be asked to prepare a draft amendment to the Act to ensure that candidates or persons otherwise qualified for office under the Canada Elections Act, be granted leave of absence without pay, without detriment to their employment. The motion was negatived on the following division: YEAS: 3; NAYS: 7.

On motion of Mr. Montgomery, seconded by Mr. McGee,

*Resolved*,—That the recommendations of the Committee respecting the proposed amendments to the Canada Elections Act be prepared in draft bill form for the Committee's consideration prior to submission to the House.

At 11.10 a.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

THURSDAY, June 2, 1960.

The CHAIRMAN: The meeting will come to order, gentlemen.

We are dealing further with the Canadian forces voting regulations. We had some tentative discussion the other day on the expression "regulations." There were some suggestions as to a change, and there were some suggestions that it be left exactly as it is. It might be well now for us to give our consideration to the short title of section 1 of the regulations. Have you any comment on that, Mr. Castonguay?

Mr. NELSON CASTONGUAY, (*Chief Electoral Officer*): Yes, Mr. Chairman. We consulted with Brigadier Lawson, Captain Dewis and the parliamentary counsel of the Department of Justice with respect to finding a term that would be more acceptable to the committee, and the term suggested by Justice would be "rules." I pointed out to Justice that the committee thought the word "rule" would have the same application as the word "regulations." The other suggestion was that it be "Part II" of the act. I said that suggestion had also been brought forward by members of the committee, but Justice felt that would take a considerable amount of revision of the act, and it would take I do not know how long to bring these amendments before the committee.

So I thought I should report this to the committee and leave the committee to decide whether they want us to go ahead with making it "Part II." This might cause some considerable delay in bringing down the necessary amendments.

Mr. BELL (*Carleton*): I do not think there is a large enough principle involved which would warrant our having any delay in connection with it.

I understand the Department of Justice agrees with Mr. Pickersgill and with me that the term is anomalous. This is the only act in which the word "regulations" does appear; but if it is going to involve any delay, I would not want to press it.

If when they are putting the final touch on the act itself—this is really a drafting change and not a change of principle—if they could do anything at that time, I suggest they do, but we should not hold the committee up for it.

The CHAIRMAN: Is that agreed?

Agreed to.

The CHAIRMAN: You have before you a document, a draft bill for consideration by the standing committee on privileges and elections. I would like you to direct your attention to it now.

In the first clause of the draft bill, there is a reference to section 14 of the Canada Elections Act.

Mr. CARON: What page is that?

The CHAIRMAN: That is on the first page of this document.

Mr. CARON: Thank you.

Mr. BELL (*Carleton*): We approved this last week, did we not?

The CHAIRMAN: Yes, this was approved, in principle.

Mr. BELL (*Carleton*): Last Tuesday, rather.

The CHAIRMAN: Are we agreed?

Agreed to.

The CHAIRMAN: Schedule 3 to the said act.

In clause 2 of the draft bill, paragraph 4 of The Canadian Forces voting regulations in schedule three to the Canada Elections Act is amended by adding thereto—"enrol" means to cause—

—and so on. Are we agreed?

Agreed to.

The CHAIRMAN: Then we come to clause 3 of the draft.

Mr. BELL (*Carleton*): This is simply giving effect to the consolidation of the three forms, and there is no change of substance?

Capt. J. P. DEWIS (*RCN., Deputy Judge Advocate General*): I am sorry, I did not hear that.

Mr. BELL (*Carleton*): This is simply giving effect to the consolidation of the three forms—plus the change from "December" to "January or February"?

Capt. DEWIS: That is right, sir.

Mr. BELL (*Carleton*): We agreed on that the other day.

Brig. LAWSON (*Canadian Army, Judge Advocate General*): A minor amendment in 4th line of proposed paragraph 22 (3) as contained in clause 3 is required. Delete the words "a writ" and substitute the word "writs" and in line 5 change the word "is" to "are".

The CHAIRMAN: Yes. Agreed?

Agreed to.

The CHAIRMAN: Clause 4, on page 2. That refers to paragraph 25 of the voting regulations, repeal and substitution. Again, this was discussed the other day. Are we agreed?

Mr. BELL (*Carleton*): Where is the language in this which makes the three discretionary days? Is that in subparagraph (2)?

Capt. DEWIS: Yes, the top of page 3, the last two lines in paragraph (2). That is the change from 6 to 3 days.

The CHAIRMAN: Agreed?

Agreed to.

The CHAIRMAN: Clause No. 5 on page 3, referring to subparagraph (1) of paragraph 33. Agreed?

Agreed to.

Mr. PICKERSGILL: I see the phrase "reserve forces", is still being used, though it is no longer a proper description.

Capt. DEWIS: I am not sure what you mean. There are three components of the Canadian forces: the regular forces, the reserve forces and the active service forces.

Mr. PICKERSGILL: Has the term "reserve", so far as the army is concerned, not been changed back to the old term "militia"?

Capt. DEWIS: There are certain elements of the army reserve. There are three or four parts of the army reserve, and the militia is one of them. I believe there is another one—supplementary reserve. In other words, they are part of the reserve forces of the army, but they have been given a definite name.

Mr. CARON: Does that not cover the regular forces?

Capt. DEWIS: No, the regular forces are entirely separate from the reserves. The words "reserve forces" would include non-permanent acting militia, the supplementary reserve and, I believe, there are a couple more.

Brig. W. J. LAWSON: The situation is this, that under the National Defense Act there are the three components Captain Dewis spoke of, and one is the



reserve force. The various services have different titles for their reserve forces, but under the basic statute the reserve forces is the correct term covering all the reserves.

Mr. PICKERSGILL: In what circumstances would these so-called regulations apply to the reserve forces rather than the ordinary law?

Brig. LAWSON: Mostly when they are in summer camp. If you have a unit which goes to summer camp at the time of an election, they could vote under these regulations in a reserve unit.

Mr. PICKERSGILL: That is really the only important circumstance?

Brig. LAWSON: Yes, and you have other members of the reserve at a school of the regular forces, or serving temporarily with the regular forces.

Mr. CARON: They are still in the reserve?

Brig. LAWSON: Yes, they are still in the reserve, but they could vote under these regulations. They have to be on full-time service when there is an election.

Mr. PICKERSGILL: There is another question that may have been answered at a previous meeting, at which I was not present. Is there any difference between the capacity, or the opportunity to vote if the forces are on active service or if they are not—I mean, the regular forces?

Brig. LAWSON: Yes, the major difference is the regular forces are on active service, and all the members may vote regardless of their age. That is the principal difference.

Mr. PICKERSGILL: There is no difference concerning where they may vote or the designation of their place of residence?

Brig. LAWSON: No, there is no difference.

Mr. PICKERSGILL: Not such as there is in the Quebec Election Act?

Brig. LAWSON: No.

The CHAIRMAN: Agreed?

Agreed to.

The CHAIRMAN: Clause 6, on page 4. That has reference to paragraph 37 of the regulations, regarding counterfoils. Agreed?

Agreed to.

The CHAIRMAN: Now we come to clause 7 in the proposed form No. 5, where it appears in clause 7. The expression, if I may call it such, "gien" should be "given". I wanted to spot that before Mr. Bell, our linguistic expert, would have brought it sharply to our attention.

Agreed?

Agreed to.

Mr. BELL (*Carleton*): I wondered, after the last time you quoted the Oxford dictionary.

The CHAIRMAN: Are we agreed?

Agreed to.

The CHAIRMAN: Page 5, part III, concerning forms Nos 15, 16 and 17. This was the discussion we had on the forms. In part III of the proposed form No. 16, as appears in clause 8, delete the last sentence of the heading to the part which reads:

This part may not be completed during the period commencing on the day a writ ordering a general election is issued and ending on the day following polling day at that election,

and substitute the following:

This part may be completed in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election.

That is as a result of a change earlier.

Mr. CASTONGUAY: I think the wording should be "writs ordering an election," because you may have a by-election in a constituency.

Capt. DEWIS: We have made provision for that. If you cannot complete a form when a by-election has been called, say, in Halifax, those out on the west coast are probably not even aware that a by-election has been called in Halifax. Then the form complete in that period, is invalid.

It would mean that at headquarters, and every place, you would have to make sure that during that period there was not any by-election in Canada. What we have done in paragraph 22 is that we have said it could be completed any time, as long as it is not a general election. But if completed during a by-election it would not be effective to change your place of ordinary residence, then because of the fact of a by-election, but it would be effective for a by-election after that, or any general election.

If servicemen are in Ottawa and there is going to be a by-election in Ottawa, they could complete a statement of change of ordinary place of residence during that election, but it would not be effective during that by-election, and they would have to vote in their previous place of residence, which means they could not vote in Ottawa.

The CHAIRMAN: Agreed?

Agreed to.

Capt. DEWIS: There is one further minor amendment. At page 6, at the top of the page, to "Signature of commissioned officer" should be added "or deputy returning officer."

The CHAIRMAN: "Commissioned officer or of deputy returning officer"?

Capt. DEWIS: That is right.

The CHAIRMAN: That is at the end of that form.

Mr. BELL (*Carleton*): I am not sure I understand that change.

Capt. DEWIS: This is the certificate which goes at the bottom of form 16 on the previous page; we could not get it all on the one page. This is to say that form 16 has to be completed before a commissioned officer of the man's unit at the time of his enrollment, or at the time that he changes his place of residence. When the voting comes up and he has not yet completed the form he may complete the form before the deputy returning officer, and it may be a service deputy returning officer who signs this certificate.

Mr. AIKEN: This would not apply to a change of residence, but merely an initial declaration where there was not one made in the first place?

Capt. DEWIS: That is correct. The address of ordinary residence that he had at the time of enrolment.

Mr. CASTONGUAY: This is not a new principle, but the same principle that was in the regulations.

The CHAIRMAN: Agreed?

Agreed to.

The CHAIRMAN: Now we come to paragraph 33 of the regulations, sub paragraph (3) of the same. You have a document on this.

Mr. CASTONGUAY: I was asked by the committee to change the phrase "political party" to "political group", and this implements the amendment. The only change is from "party" to "group".

The CHAIRMAN: Is that satisfactory?

Agreed to.

The CHAIRMAN: Before we pass from the Canadian forces voting regulations we should go back to the interpretation section, section 4. Have you any comments on this?

Mr. CASTONGUAY: I have no comments.

Mr. BELL (*Carleton*): There are consequential amendments needed here?

The CHAIRMAN: No.

Mr. CASTONGUAY: No.

The CHAIRMAN: Are we agreed, then?

Agreed to.

To be perfectly in order we should return to page 258, section 111 of the Canada Elections Act, on which this operation and discussion has been based. Are we agreed to this section?

Agreed to.

Mr. KUCHEREPA: I presume, Mr. Chairman, that you are not going to change the term "regulations"?

The CHAIRMAN: That is correct. Now, with respect to subsection 9 of section 17 of the act, Mr. Castonguay has brought us some amendments.

Mr. BELL (*Carleton*): I am sure the committee would like to express their very genuine appreciation to Brigadier Lawson and to Captain Dewis for their very great help at the last two meetings.

The CHAIRMAN: We are very glad to have had it.

Mr. CASTONGUAY: On this mimeographed sheet are consequential amendments to the revising agent plan which you approved, and in reviewing the act again we discovered these two changes; the words are underlined in subsection 9. There used to be two copies, but now we need three. In subsection 12, this makes provision pursuant to rule 33-A. These are consequential amendments which resulted from the adoption of the revising agent plan, and they are purely technical amendments.

The CHAIRMAN: Are there any comments on these?

Agreed to.

Now, let us turn to section 38 on page 205; this is a section we deferred at an earlier meeting. Are there any comments on this?

Mr. BELL (*Carleton*): This is a matter about which Mr. Pickersgill spoke to Senator Power. I also had an opportunity to chat with him. Perhaps Mr. Pickersgill would like to report further.

Mr. PICKERSGILL: I have nothing further to report because I never spoke to him again about it. I was occupied otherwise.

Mr. BELL (*Carleton*): Not too successfully, I hope.

Mr. PICKERSGILL: Oh yes, very.

Mr. BELL (*Carleton*): I had an opportunity to speak to Senator Power a couple of nights ago. After examining his files he found that he had no record of this particular section, and he could see no point in it. It would be his view that the anomaly in subsection 2 should be eliminated. Certainly that is my view, and perhaps we might simply drop subsection 2 of section 38.

Mr. CARON: And put the burden of proof on the prosecution?

Mr. BELL (*Carleton*): That is right.



The CHAIRMAN: Is it agreed to drop subsection 2 of section 38?

Mr. PICKERSGILL: The chief electoral officer knows of no reason why it should be left.

Mr. CASTONGUAY: I know of no reason. It is a matter of principle.

The CHAIRMAN: Are we agreed? I assume we are accepting the approval of section 38 with the deletion of this second subsection.

Mr. PICKERSGILL: And of one, in brackets.

The CHAIRMAN: That is right. We must remove that one in brackets.

Mr. MONTGOMERY: Subsection 2 is being taken out?

The CHAIRMAN: Now I think we have remaining for our consideration, outside of the interpretation section, 101, political broadcasting. I might remind the committee that on April 21, a memorandum from the Canadian Association of Broadcasters was circulated to you, and the original document was tabled with the committee. If members of the committee do not have that document here and would like to have it, I think there are extra copies available here at the desk. We are on section 101, political broadcasting. I think that is the only communication relative to this section which the committee has received.

Have the members of the committee any comments on this section? Are we agreed?

Mr. PICKERSGILL: As a matter of fact, speaking personally, I have no objection to the content of this section itself. What I object to is the fact that the regulations on broadcasting are under the Broadcasting Act and not in the Elections Act where I think they ought to be. I think also that the onus of determining this question of the division of time, the amount of time to be allowed to political broadcasting, and all related questions should not be placed on a body like the board of broadcast governors, which have many other functions; I feel they should be performed by parliament itself.

I have said that many times in parliament, and if I remember correctly there seemed to be a good deal of sympathy with that point of view from Mr. Nowlan. It will be recalled that at the time the debate took place on the Broadcasting Act two years ago the regulations on political broadcasting had been left out of the legislation entirely, and had to be put back in, because it was pointed out that if it was not done, there would be no law at all.

The understanding between the opposition and the government at that time was that the matter would be considered as soon as possible. My own feeling is—if I might express my own views on this matter—that we should lay down in the Broadcasting Act rules as to the amount of time that will be available for political broadcasting, at any rate for any form of party broadcasting, and it is supposed to be broadcasting by the individual candidate; and not only lay down the total amount of time, but also lay down the division of time as between parties.

I feel it should be in the law so that everyone will know that these negotiations do not have to be carried on in the way they have been in the past. I looked the matter up some time ago, but speaking from recollection in the United Kingdom the division of time is determined between the chief government whip and the chief opposition whip. But I do not think we would want to do that here. My own view is that it ought to be in the law.

Mr. AIKEN: Mr. Chairman, I wonder how we can deal with it in this committee, unless we include a very extended addition to section 101, and add a separate subsection? It would be out of order for us to go about amending the Broadcasting Act, if that is what the effect of it would be.

As a committee we are dealing only with the Canada Elections Act, and we have subsection 101 to contend with. There does not seem to be anything

wrong with it on that basis. I just wonder whether we can, as a committee here, deal with this matter when it is now in the Broadcasting Act?

Mr. PICKERSGILL: If you just insert the words "notwithstanding anything in the Broadcasting Act" at the beginning of your clause, that should suffice. Statutes are filled with similar provisions.

Mr. BELL (*Carleton*): I do not think we should take any technical view of this particular matter because, as I recollect it, the minister did say in the house that the matter would be referred to the committee on privileges and elections. Although we may not have it formally before us, we might nevertheless carry out the commitment which Mr. Nowlan made.

Mr. PICKERSGILL: I was hoping that would be the view the committee would take.

Mr. AIKEN: I wondered just how far we could go. Are we going to have a complete discussion on political broadcasting and assume that we could deal with both acts, and then ask that they both be amended as necessary?

Mr. BELL (*Carleton*): I think that is a question we would have to answer when we come to conclusions on principle.

Mr. PICKERSGILL: Exactly. I think we should consider first what we think it is desirable to do, and then consider after that how it should be done.

Coming back to this amendment sent to us by the association of broadcasters, notwithstanding the arguments—which have a lot of force—which they have made here, and generally speaking for myself I think that the argument in favour of a 48-hour ban is a very compelling one. To my mind it is possible to create a kind of impact on the public mind by broadcasting that is quite impossible for the newspapers; and there really is a great deal of sense in the position taken that there should not be broadcasting right up until the hour of midnight before the election, and that there should be some cooling-off period. And again, it would be possible that someone, getting the very last period at the very last moment, might influence an election in a wholly improper way.

Mr. BELL (*Carleton*): I personally share that view. I feel there is a distinct possibility of such a thing happening on television or radio at the last moment, when there would be no possibility of answering it.

This sort of thing would rarely take place in the press because the editor in such a case would see that there was an answer from someone else which would have a bearing on the question. While on the face of it this appears to be a discrimination against one medium of publication, yet I think it is a necessary discrimination. It has worked satisfactorily over a period of many years, and I think it would be most unfortunate for us to change it now.

Mr. KUCHEREPA: I am in agreement with what has been said by both Mr. Pickersgill and Mr. Bell. However I wonder what the situation would be when a broadcast was made from a United States station, having regard to the major problem emanating from what has been said by the other two members who have spoken previously.

On page 8 of their brief the Canadian Association of Broadcasters have this to say:

Moreover, the citizens of Toronto can be and in fact are reached by the signals of radio and television stations located in several United States centres, notably Buffalo. Obviously the operations of these stations cannot be controlled by Canadian authorities. This situation applies to virtually every municipality of any consequence in Canada.

In my view this a very serious problem. What the answer is, I do not know. But these facilities have been used, and they could create the very



problem to which Mr. Pickersgill has made reference. Therefore I think the committee should give a great deal of consideration as to how we can solve this problem.

Mr. PICKERSGILL: I have a suggestion which I believe is very practical, and which would meet this situation. I think that if we make it unlawful for any political party to broadcast from a station outside of Canada, we can rely on the political parties to carry out the law. There have been individual Canadians doing it, but all we need to do is to put in a provision that any candidate who broadcasts from any of these stations outside of Canada will have his election invalidated. That would deal with the problem.

Mr. KUCHEREPA: Let us consider the problem of the candidate, not directly as such, broadcasting, but rather someone on his behalf doing so. Where does it put him? I think the onus in the final analysis has to be put on the broadcasting station. How would you achieve that?

Mr. PICKERSGILL: We can only go as far as our jurisdiction can go. But I would be very surprised if anyone would do that on behalf of a candidate, except to injure him; and the law now makes provision for that. If something is done unknowingly, allegedly on behalf of a candidate, then the candidate is not to be blamed.

Mr. CARON: Perhaps we could have a provision whereby there has to be proof of knowledge by the candidate, in which case they would be the same. And if he has no knowledge of it, and they cannot prove that he had knowledge of it, he would not be to blame. But I admit it would be very hard to prove.

Mr. KUCHEREPA: Suppose someone goes out with the idea of damaging a candidate's position. Then what? By so doing he would be able to circumvent anything which Mr. Pickersgill has mentioned as a safeguard.

Mr. PICKERSGILL: If you can cure appendicitis and T.B., you surely ought to be able to cure such a situation as this. There is no argument for not curing appendicitis and T.B., is there?

Mr. HOWARD: There is some provision in the United Kingdom Act with respect to this. I wonder if Mr. Castonguay might tell us how they get around that problem.

Mr. CASTONGUAY: I am trying to find the pertinent section here. Oh yes, it is section 36 of the United Kingdom act:

(2) No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary election, use, or aid, abet, counsel, or procure the use of, any wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of arrangements made with the British Broadcasting Corporation for it to be received and retransmitted by that corporation.

Mr. PICKERSGILL: That is an absolute prohibition, put in other language.

Mr. BELL (*Carleton*): Mr. Chairman, could we be clear as to what we are speaking about here. Are we speaking of only the last 48 hours, or are we speaking of the whole campaign?

Mr. PICKERSGILL: I believe it should be the whole campaign.

Mr. BELL (*Carleton*): I think there are some members of the committee who would have other views. I will confess that I started off thinking it should be the whole campaign, and it has been indicated to me that there are some sections of Canada which cannot be covered by radio or television, without the use of foreign stations. If that be in fact the case—



Mr. MONTGOMERY: In my constituency, and Mr. Van Horne's constituency, and in other parts, as far as I know, we have had to use a station near Maine to cover the northern end of our constituencies.

I have a letter on my desk that came in yesterday; the CBC is not covering even radio, or television, in a certain area of my constituency. I think it should be banned for the preceding 48 hours, because when you make two or three broadcasts—I made two last time, and my opponent may have made two or three; but it is impossible to be covered.

The CHAIRMAN: I must confess that I thought all the discussion was concerned with the 48 hours preceding.

Mr. BELL (*Carleton*): I think we can agree on the 48 hours immediately preceding, and turn our attention to the other matter.

Mr. HODGSON: Let us deal with the 48-hour period now, and get that settled.

Mr. AIKEN: Mr. Chairman, I would like to ask a question. I see that the parliamentary secretary to the minister is here. I am not sure whether he is in an official capacity or not. But in subsection (1) of section 101 it says:

No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio—

I am wondering if that would include foreign radio and television as well as Canadian, because to my mind if we merely took out the words "be allowed to"—and I cannot see why they are in there anyway—and just said, "No person shall broadcast a speech or any entertainment or advertising program over the radio", it would cover the situation with which we are concerned, if radio included foreign radio and television.

The CHAIRMAN: By leave of the committee I would ask the parliamentary secretary, if he would like, to answer that question.

Mr. LAMBERT: Mr. Chairman, I am here only in a sort of watching brief capacity to see just what the thinking is along these lines.

For me to give a considered legal interpretation of the language here, when I have only got a fragment of the act—in fact, of both acts—I think would be quite impossible.

Mr. AIKEN: I was wondering if you had the Broadcasting Act here which defines "radio". That is something that I think none of the other members of the committee has.

Mr. CARON: Anyway, when there is a doubt, it is always better to clarify it than to just leave it the way it is.

Mr. LAMBERT: In this connection, Mr. Chairman, section 101 of the Canada Elections Act refers to the Radio Act. That is the 1951 citation, which, of course, might no longer be applicable in view of the revision in—

Mr. BELL (*Carleton*): 1958. But the Interpretation Act would take care of that.

Mr. LAMBERT: In the Broadcasting Act, this definition is given:

2. (a) "broadcasting" means the dissemination of any form of radio-electric communication, including radiotelegraph, radiotelephone and the wireless transmission of writing, signs, signals, pictures and sounds of all kinds by means of Hertzian waves, intended to be received by the public either directly or through the medium of relay stations.

That is meant to cover both radio and television.

Mr. AIKEN: That would seem to cover the situation. Perhaps we could, if the committee feels we ought to, make it clear in the act that the word "radio" as used in this section includes transmissions originating outside Canada.

Mr. PICKERSGILL: I do not really think that would be adequate to meet the problem, because parliament has no jurisdiction over radio stations outside Canada. The penalty provisions would have to be of a character that the penalties were applied to the person responsible for the broadcast, not to the radio station.

Mr. AIKEN: That is true. So that it is, "No person shall broadcast a speech". This would include the person who originates it, who normally would be in Canada.

Mr. PICKERSGILL: I do not think the penalties in the present act would be adequate. I think the only penalty that would be really adequate would be to say that any candidate who did this, or caused it to be done on his behalf, would have lost his eligibility for election, because someone might very well be willing to take the risk of incurring the penalties for the sake of promoting the election of somebody else.

Mr. BELL (*Carleton*): Are we not getting to a discussion of drafting, that should be left to the chief electoral officer and the Department of Justice? Perhaps we could settle the principles. I think we agree, certainly, on the principle that there should be no broadcasting, either in Canada, or foreign, in the last 48 hours.

Could we get directly to the issue: what is the right to use foreign stations at other times during the campaign? I started off believing that I would be for outright prohibition at all times. I am shaken by what Mr. Montgomery has said, and at the moment I freely confess that I do not know quite what my view is.

Mr. CARON: For the broadcasting in the 48 hours could we not use the CBC—no, the Board of Broadcasting Governors just for that, to broadcast from outside? They should have the permission of the BBG; or, for Canada, the CBC.

Mr. PICKERSGILL: I think that is putting an unfair burden upon them. After all, the British regulation is the way it is because the BBC had, until recently, a monopoly there, which we have not got under our system.

Mr. CARON: They go to the Irish stations, too—the Irish Free State.

Mr. PICKERSGILL: Yes, and the station in Luxembourg. I really think that before we decide how we are going to prohibit foreign broadcasting in the last 48 hours, we should clear up the question of whether we should not prohibit them entirely, because if we prohibit them entirely we do not need to be concerned about amending this language to make sure they are prohibited for the 48 hours. If we cannot agree on prohibiting them entirely, we can come back to this question.

Mr. BELL (*Carleton*): Let us assume that this is a question of prohibition throughout the whole election campaign. I wonder if the parliamentary secretary to the Minister of National Revenue could give us any information as to what areas of Canada there may be which are not serviced at all—or not serviced adequately—by Canadian facilities.

Mr. PICKERSGILL: Where there are foreign facilities.

Mr. BELL (*Carleton*): Yes, where there are foreign facilities available, of course.

Mr. PICKERSGILL: Most of the areas that have no Canadian facilities have no access to any foreign facilities, except Russia.

Mr. LAMBERT: There has been a change in the pattern since the last election, particularly in the last year; and by the time election time rolls around for a future federal election, the position may have changed considerably more. But the one difficulty that was faced was this: the major area of difficulty was Toronto, and the lower mainland of British Columbia, with respect to television,



because the only access there—and the Winnipeg area was another one—was by way of CBC, who, of course, could not sell time commercially; and there was the allocation of free party time broadcasting established by negotiation by the CBC for the 1958 election.

But in the lower mainland of British Columbia, and on Vancouver Island the stations immediately across the line at Bellingham and, I believe, Tacoma, made rather a mint.

Mr. HENDERSON: I will have to leave, Mr. Chairman. I have a fellow on the phone from Prince George.

The CHAIRMAN: Do not keep him waiting, Mr. Henderson.

Mr. HENDERSON: Never keep the patients waiting.

Mr. LAMBERT: In addition, Mr. Chairman, there was south-central British Columbia, the area around Nelson, and Trail. Television was not available from CBC at that time. They may now have a satellite, at least, for the free allocation through CBC—but for the individuals to do so, no; they cannot appear personally. And, as indicated, down in the maritimes, in certain areas, much the same situation did apply.

However, to say today that this situation would apply, with new stations coming in in Vancouver, Winnipeg and Toronto, when there will be commercial facilities available, is not possible.

Mr. PICKERSGILL: Mr. Chairman, are there not two separate problems? Is there not the problem of having no facilities, and the other problem that the parliamentary secretary has pointed out, of having a difference between the rules that apply to the CBC and the rules that apply to private stations, with respect to television?

One of those situations is probably going to be corrected before the next general election, in every place except Halifax—and the American stations do not get into Halifax, anyway—as far as television is concerned. So that particular problem is virtually solved.

The other problem, which is not solved, applies to those places such as Mr. Montgomery's riding, and perhaps Kootenay west, where there is no television, except what might come in from the United States. And there must be very few of those areas left.

Mr. LAMBERT: In addition to that, there will also be the problem of what might now come in—and this is something that I think the committee could address its mind to. There is the growing use of telemetering and community antenna. The scope of American stations coming in to Canada is extended by the use of community antenna, and that is something that certainly would have to be considered, I think, by this committee in determining these rules. That matter may also have been considered by the BBG in the preparation of their latest white paper on the rules of political broadcasts, the latest copy of which is March 21, 1960.

Mr. HOWARD: We do not have television where I come from, so I am not familiar with a lot of these matters. I wonder if Mr. Lambert could explain to me what telemetering and community antenna are?

Mr. LAMBERT: The only telemetering that is in existence in Canada at the present time is in Etobicoke. That is where television on this type of circuit is metered to the set. Your set has a meter on it, and it is funnelled through. It is a closed circuit in a way, and the only people who can get the broadcast are those who have bought it. It is not a Hertzian wave broadcast, and there is a bit of a problem there as to just who controls that type.

Mr. PICKERSGILL: Up to the present time they have not broadcast by that system anything except films, have they?



Mr. LAMBERT: The indicated intention is films and prime sports events. There is one other thing: it is only in its infancy; but if it is successful, it is bound to grow.

Mr. MONTGOMERY: I am the only one in the committee who is affected, and if the committee came to the conclusion that the only way to control this, that the way it could be controlled best would be an absolute prohibition, I would not take too much objection, because since the last election we do have a radio station in the area. And, if the CBC would cooperate with them, I feel we could be covered.

I would not object to that, and I will not take any particular objection to it. I think a lot of this is covered. There has been an improvement since the last election in a great many areas. There might be some small areas which are not covered; but I would not hold out against it at all. If it could be handled better that way, I would not hold out against it.

The CHAIRMAN: This is a complete ban on the use of American stations?

Mr. MONTGOMERY: Yes.

Mr. HOWARD: In this regard, Mr. Chairman, perhaps I could point out to Mr. Montgomery and others that we have substantially the same problem—not with television, because we have not got it. Perhaps Mr. Lambert could communicate this information to the CBC, and we will get it.

Mr. MONTGOMERY: I was referring to radio particularly.

Mr. HOWARD: Yes; we also have that problem with radio. The Alaskan panhandle comes quite a distance down and borders the coast of British Columbia, and we find it necessary there to use Alaskan stations to reach a number of the members' constituencies. So the problem is somewhat the same.

I would be in favour of a ban on the use of foreign means, or any foreign countries on radio and television, or this other telemetering system, throughout the whole of the campaign.

Mr. BELL (Carleton): Mr. Chairman, it seems to me that we have possibly gone as far as we can this morning in relation to this matter. In fairness to our own colleagues who represent border seats, perhaps we should reserve this to the next meeting, to give us an opportunity to consult with them. I know that none of us would wish to be unfair to our colleagues who are at border points. This is a problem which does not affect many members: perhaps Mr. Montgomery and Mr. Howard are the only members of the committee who are affected. But let us have the opportunity to check with our colleagues, and perhaps we can come back with some decision next week. I think that generally speaking the committee is of the view that, if it could be properly accomplished, we would like to ban the use of American facilities.

Mr. PICKERSGILL: I would like to say a word about the position taken by Mr. Montgomery and Mr. Howard, who are directly affected, because it does seem to me that, apart from any of these isolated cases, it is a rather humiliating thing for us to be having our elections upset in some respects, influenced by the use of foreign broadcasts, over which we, at the present time, have no real control.

I agree with Mr. Bell; I think we ought to defer this. However, I hope the conclusion we reach will be that we want to run our own Canadian elections in Canada.

Mr. AIKEN: I have one further comment.

In permitting broadcasts from outside Canada, we have no control over the type of broadcasts that might be given, and while all the other regulations on political broadcasting would apply to Canadian stations, they would not apply to American stations and, in this way, it might come into conflict, to the detriment of the candidates.

The CHAIRMAN: I take it that Mr. Bell's suggestion is agreeable?

Agreed to.

The CHAIRMAN: I wonder, to make doubly sure, and to save time, if you would like to have Mr. Castonguay prepare, perhaps in consultation with Mr. Lambert, a draft, which could be used if the committee came to the point of view that this should be?

Agreed to.

Mr. MONTGOMERY: Mr. Chairman, I am not going to be here, if the next meeting is before next Tuesday.

The CHAIRMAN: It may be tomorrow morning.

Mr. MONTGOMERY: I will not be here.

Mr. Chairman, are we pretty well agreed there should be no radio or television broadcasts within the last 48 hours? I would like to express myself in favour of that prohibition.

Mr. BELL (*Carleton*): I think we all agree.

Mr. PICKERSGILL: I think the committee should be agreed on that, regardless of the decision.

Mr. MONTGOMERY: Well, whatever the decision of the committee is, I will go along with it.

Mr. BELL (*Carleton*): In section 101, there appears to be an anomaly, which causes a conflict with the Broadcasting Act. Here, the prohibition speaks of entertainment which, presumably, is dramatization, and under the Broadcasting Act any form of dramatization is prohibited. Why do we keep this particular language in section 101?

Mr. PICKERSGILL: I do not think there is a conflict; perhaps one goes a little further than the other.

The CHAIRMAN: Are there any other aspects of this question which the committee desires to pursue at this time?

Mr. BELL (*Carleton*): We have the whole question of sustaining time on C.B.C. and private stations, and the division of that time; then we have certain details which were raised in the C.A.B. brief.

In regard to sustaining time on C.B.C., I would say, generally speaking, it is working satisfactorily.

Mr. PICKERSGILL: Well, on that point, it does seem to me we really should make two things very clear. Now that we have this microwave extending across Canada, there is no excuse at all for deferring broadcasts. This is done at the present time in connection with political broadcasts between elections, and it was done at the last general election. There is no earthly reason why the broadcasts should not be on the same day. However, I do agree that it may be necessary, because of the changes in the time zones between Newfoundland and British Columbia, to have them at different hours in the day. But the idea of a broadcast—and this has happened in Newfoundland and, I am sure, in many other parts—which was made in the last election, and was topical, and replied to something that was made the day before, and comes on a week later in Newfoundland, is absolutely ridiculous. I have not been able to understand it. We have protested to the C.B.C. and the B.B.G. Why do they not enforce the rule that this broadcast should be given on the same day all over Canada?

Mr. BELL (*Carleton*): I agree with Mr. Pickersgill. I was unaware until now that there was any deferring from one day to another.

I think it is essential, in order to get satisfactory time, that there be deferring within the day, so you obtain satisfactory periods at each place, but to put a broadcast on on a different date seems, to me, incongruous.



Mr. PICKERSGILL: There is another thing we should be sure of. I do not say that you have to have the broadcasts on all the stations in the same place. The B.B.G. should have an obligation placed on it to see that the broadcasts are given in every place in Canada where there is a station.

Mr. BELL (*Carleton*): So, there is, in fact, a national coverage?

Mr. PICKERSGILL: Yes, so there is a national coverage—and I believe that is not always done.

Mr. LAMBERT: I have a question, for information purposes. Is the objection directed toward television, as well?

Some hon. MEMBERS: Yes, both.

Mr. LAMBERT: You will realize, of course, that there are a number of stations which are not on the microwave network. They must work on kinescope and, if you work on that, it cannot be on the same day.

Mr. PICKERSGILL: Could you tell us where those places are? I know St. John's was, until recently.

Mr. LAMBERT: For instance, in Alberta. I believe that Lloydminster will not be on the microwave. There are a number of other stations. Certainly in northern Ontario and northern Quebec, there are a great number of them which are not on, and it all goes through kinescope.

Mr. AIKEN: This involves a case of mailing.

Mr. LAMBERT: It is a matter of film—and that is the only way it can be done.

Mr. PICKERSGILL: I suppose it would take possibly five or six hours to take the kinescope from Edmonton to Lloydminster, at the outside?

Mr. LAMBERT: Oh, no, no. You are getting into an area in which I am not qualified—except, in the past, it has been in their interests to put them on as quickly as possible, with respect to commercial film, and they find they cannot do it any more quickly than that.

Mr. PICKERSGILL: I am not suggesting we should try to make a law to say that something that is impossible should be done. However, at the present time, in the maritime provinces and in Newfoundland, these "nation's business" broadcasts are deferred sometimes a whole week. Quite often, when there is something topical in them, they are quite ridiculous by the time they are delivered. There is no need. There are two places that I know are on the microwave, like St. John's.

Mr. LAMBERT: It will be realized it seemed quite as ridiculous, up to two years ago, to receive a Christmas day program on New Year's day, or even one week after New Year's you get the Christmas day program on television.

Mr. PICKERSGILL: Well, at that time it could not be helped; now it can, and is still going on.

Mr. BELL (*Carleton*): Ought we not to ask Mr. Lambert if he could secure a statement from the C.B.C. of exactly how this is being carried out at the present time? I hope he can secure from them an undertaking they would—except in some places, where it is not feasible—that those things which Mr. Pickersgill has expressed will not occur again. Supposing we have a technical statement for the next meeting?

Mr. PICKERSGILL: I think we should get it from the B.B.C. as well. This really should be their duty.

Mr. LAMBERT: I will get those. However, the Chairman has indicated the next meeting will be tomorrow; that will not allow me sufficient time.

The CHAIRMAN: It seems difficult to know just how broad this inquiry should be. If it is the committee's wish to discuss this at great length, over a series of meetings, we will have to consider, at least, an interim report.



It was our hope we might find it possible to dispose of our complete work. This is something on which we will have to make a decision very soon—and I am referring to our procedure with respect to our report to the House. That is why I spoke about a meeting tomorrow, rather than next week.

Mr. PICKERSGILL: Mr. Chairman, I do not think it will be at all possible to conclude the discussion of this subject in any brief period of time because, as we have seen, in the little discussion we have had, it is filled with complications.

Speaking for myself, I would not see any objection to our making an interim report, perhaps after another day's discussion, and saying that we are continuing the consideration of section 101, with related matters. Meanwhile, I suggest that we report on the remainder of the act because, I suspect, in the end, we will really want to add a separate section of the act. It might be we would have to defer the enactment of that until the next session of parliament.

Mr. AIKEN: I am in agreement with Mr. Pickersgill's views. The portion of the act, with which the chief electoral officer is concerned, has been concluded. These are rules for candidates and, as far as I can see, amendments of forms, or any other matter. It would merely be something entirely different—the jurisdiction of the candidates at the election.

If we are going to spend any length of time on broadcasting, I feel we should make an interim report, stating we have completed our examination of the Canada Elections Act and the Canadian forces voting regulations—saying that we have completed the whole matter, except the matter relating to broadcasting, which would be a separate report. In that way, this would be concluded.

Mr. CARON: Were all the other sections dealt with? I ask this question, as I was not at the last meeting.

The CHAIRMAN: Yes, all except section 2, and another one.

Mr. PICKERSGILL: I think the Chairman said something about the interpretation section; was there anything in it?

The CHAIRMAN: We did not look at the interpretation section, and by someone's inadvertence, I believe we intended to go back to section 87, which Mr. Kucherepa requested to stand, when we dealt with it on May 26.

Mr. KUCHEREPA: Has the chief electoral officer any comments on section 87?

Mr. CASTONGUAY: No comment.

Mr. KUCHEREPA: We deleted section 86.

The CHAIRMAN: Yes, and we stood section 87, at your suggestion.

Mr. CASTONGUAY: I believe this was when we had the general discussion about reviewing the act, to compare it with the Criminal Code, and to simplify it—and I pointed out to the committee it would take an extensive study and would take some time. This may have been one of the ones in the general discussion which was stood over. Then it was agreed I would not be asked to prepare a report, because of the lack of time.

Mr. KUCHEREPA: Do you suggest that it should be left in?

Mr. CASTONGUAY: It is not consequential to removal of section 86.

Mr. AIKEN: Certainly, subsection 2 should not be touched, in any case.

Mr. CASTONGUAY: I think this would be something which would have to be studied at some length.

Mr. KUCHEREPA: Perhaps we had better leave it in there in total.

The CHAIRMAN: Is that agreed?

Agreed to.

The CHAIRMAN: Section 87 is approved.

Section 2, which is the interpretation section. Let us look at that.

Mr. BELL (*Carleton*): We already had deleted 4 and 12.

The CHAIRMAN: Yes, 4 and 12 are out.

Mr. BELL (*Carleton*): Has the chief electoral officer any comments on any of the others?

Mr. CASTONGUAY: I have no comment on the interpretation section.

The CHAIRMAN: Is it agreed?

Agreed to.

The CHAIRMAN: We now are back to section 101.

Mr. BELL (*Carleton*): I think the situation is such, Mr. Chairman, that we could certainly go ahead and prepare our report on the act. This would give cabinet an opportunity to review our suggestions, so that the legislation could be prepared. I think we all recognize this legislation must be enacted at the earliest possible date in order to enable the chief electoral officer to go ahead with his work. If we wish to take some time, in connection with broadcasting, we could do that. However, my own view is that we could clean up the issues on broadcasting in two more meetings.

Mr. HOWARD: There is one other matter apart from broadcasting, and I raised this at a previous meeting. It was suggested that I raise it at the end, because it might require a new section. It concerns the question of candidates being granted leave of absence from their employment during the period of the election—the thought being, of course, that if one is elected on election day, it is then another question, of his relationship with his employer. But my thought was the granting of leave of absence to the individual during the period of the election in order that he would be able to campaign. My thoughts are to remove what might be, and what has been, in some cases, a bar to a person running as a candidate.

Mr. PICKERSGILL: I must say that I think Mr. Howard has put his finger on one of the greatest defects in our whole system of self-government. It is the extent to which, not perhaps by direct prohibition, but all kinds of indirection, a very high percentage of all the citizens of Canada are, in fact, prevented from earning their living and, at the same time, being candidates for office. This is a problem which is becoming increasingly serious every time an election comes up. I made reference to a recent incident the other day in the house—a prospective candidate, for an election which has not even been called, has been deprived of some of his income by a public corporation. This is one of the most defenceless things, in a free, democratic country, that I can think of. We know there are a great many private corporations which will not allow their employees to have anything to do with public elections. If we are saying that our citizens really should have rights, there could not be any more fundamental right than this one.

Mr. AIKEN: Mr. Chairman, without speaking on the general principle, the particular incident to which Mr. Pickersgill has referred, the person involved was engaged in broadcasting in a publicly supported program. To my mind, there was never any question that he should not have immediately resigned, without any argument at all. I merely say this in reply to what he has said, because I could not conceive of a person who would want to be in a public position broadcasting on a publicly paid program, and still expect to announce himself as a political candidate.

The CHAIRMAN: What is your suggestion with respect to this act in relation to that matter?

Mr. HOWARD: Well, in terms of wording of an amendment, I have nothing specific in mind. However, I think, perhaps, Mr. Castonguay could, if the



committee agreed in principle to this, draft an amendment to the effect that a person who was a candidate at an election—and this, of course, excludes the sections in the act that deal with civil servants, because the prohibition is already there—but that a person who was a candidate would be granted leave of absence from his employment during the period of the campaign.

Mr. BELL (*Carleton*): With or without pay?

Mr. HOWARD: I would think without pay.

Mr. PICKERSGILL: I do not see why someone else should have to support your candidate.

Mr. HOWARD: I would think without pay. However, the purpose behind this would be that he would not be threatened with his loss of employment, first, because of running as a candidate; and he would have the opportunity of returning to it if he were not elected after election day.

Mr. McGEE: Are you not trying to legislate human nature?

I was subjected to this experience myself, and it is similar to the case which Mr. Pickersgill mentioned. I chose to accept the nomination before the election was called in 1957. The agreement I reached with the particular company with which I was employed was simply this: There was no question of my right to become a candidate, and my position in the company was prejudiced no more or no less than the pretty clear indication I had given that I had other major interests as far as my future life was concerned, other than with that company. Now, in my particular case, there was no discussion or complaints. This is perfectly natural. If I demonstrated sufficient interest in an alternative activity other than that for which I was being employed, to bring about this situation, how could any employer draw any other conclusion that there is perhaps a secondary interest in the business? As I say, to attempt to legislate that a particular company shall disregard the implications of this is a pretty frustrating procedure.

Mr. HOWARD: I was in precisely the same position and was just as fortunate in having someone who in effect granted me leave of absence to campaign. This was so when I was a candidate in the provincial field. During the period of time the election was in progress I was not in fear of losing the employment I had. If I was not elected the employment I had was still there; I was also fortunate. It may be because the employer or the manager, whoever it is, is of a different political faith, or it may be for some other reason such as because of the need to have that individual there. The fact does remain that these prohibitions are made against the individual which prevent him running as a candidate for fear of losing employment. That is what I am getting at. I am not thinking of those who are fortunate enough to have an employer who says it is perfectly all right for you to participate in public affairs if you wish to, and there will be no bars placed in your way.

Mr. AIKEN: I think anyone offering himself as a candidate takes a great risk, whether he is elected or not. Frankly, I do not think we can do anything on a legislative basis. As Mr. Howard has pointed out, if an employer takes objection to a person running as a candidate, I think there is very little that we could do about it here.

Mr. HOWARD: We have granted people leave of absence without loss of pay on election day for the purpose of going to vote. We have granted them a free period from their employment which means they get an hour off without loss of pay; in some cases it is more than an hour which they have in which to exercise their right to vote. I think we should establish the same sort of approach, but without pay, for a person who might want to run as a candidate.

Mr. BELL (*Carleton*): I think the two situations are not comparable. I think in comparing them that Mr. Howard weakens the case he made. I can see



there is a considerable and growing problem here as corporations grow larger across the country and more and more people are employed; but I confess I still am unconvinced it is a matter which can be solved by legislation. Certainly, I want to see no impediments put in the way of any person offering himself for public office. The moment he offers himself for public office he may give up his income. I think it is wise that we point out and constantly point out, to corporations across the country, that they have an obligation to make their employees available for public office. I am, however, unconvinced that we can accomplish this by legislative action.

Mr. MCGEE: Regardless of whether a person is self employed or works for a company, the financial loss involved in becoming a candidate is identical. If one works for a company this could be an end to his means of earning a living. If one is self employed he could not be there to conduct his business. I have spoken to a sufficient number of members about this to know that regardless of the type of private employment, whether it be in law, other positions or in any business, enforced absence of the individual has a serious consequence. Surely, this is the whole notion behind the payment of the indemnity.

Mr. PICKERSGILL: But no indemnity is paid the defeated candidate. Mr. Howard is not suggesting that anyone else should finance the candidate. What he is suggesting is that it should become unlawful for any employers, except the government of Canada and those few other persons who are disallowed by the Election Act—any person who has the right under the Election Act to be a candidate should not be denied by his employer of the right of a citizen to be a candidate. I am not sure it can be accomplished by law. I have some doubt about it; but if it can be it should be.

I believe the C.N.R., whether under the law of the country or under its own bylaw has a very liberal provision in this regard. There is never any question that a C.N.R. employee may become a parliamentary candidate and he gets the necessary leave to carry on his campaign.

Mr. BELL (*Carleton*): I believe the same thing applies in the case of the C.P.R.

Mr. PICKERSGILL: I am sure it does. I was citing the C.N.R. because the employees of the C.N.R. are not treated as civil servants. I do not believe in extending it to the civil service, although in some jurisdictions it has been extended to some categories of the civil service. I think there is a special reason there. I do not believe you should take away the rights of a private citizen. The idea of any employer saying to a person, in effect "If you are going to earn your living working for me, you are only going to be half a citizen" is to me utterly repugnant.

Mr. MCGEE: Is this not a reflection on the mores of the system. I think this became an issue in the 1957 election. My particular case was misrepresented in several instances. In a rash of editorials in Toronto there were unanimous complaints about the impediments. A safeguard is that if a person were materially damaged as a result of his candidacy, and this became public knowledge, or the threat that it might become public knowledge I would think would have quite an effect on preventing it happening in the first place.

Mr. AIKEN: I think what Mr. Howard has in mind is something similar to what was granted to people who enlisted in the last war. They were given the right to return to their employment without any loss of seniority or loss of employment by reason of their absence. I do not think the two situations are entirely identical or even related.

Mr. BELL (*Carleton*): To what extent have we any real evidence of abuse in respect of this?

Mr. PICKERSGILL: I think I have presented a very clear case of this in the case of a public corporation. There is nothing in the Election Act which says

employees, and especially part time employees, in the C.B.C. shall not be eligible for election. Parliament never decided that. This public corporation took upon itself to make these regulations. I question its right to do so. I think if you took the case to the courts the C.B.C. would become under the power of parliament.

Mr. MONTGOMERY: I cannot agree. I think any corporation, private or public has a right to say whom they want to employ. If they do not want a man who is running around the country carrying on a campaign, I think they have a right to say so. If he is a good man he can have his job back if he is defeated; but his interest is divided.

Mr. PICKERSGILL: If you believe that as a condition of employment you cannot take an interest in public affairs of the country, it is slavery; that is what it means.

The CHAIRMAN: I would take it that there is some difference of opinion on this subject.

Mr. HOWARD: I did not get that impression.

The CHAIRMAN: If there is any motion which would elicit the opinion of the committee I would like to have it.

Mr. HOWARD: Perhaps, without having it in writing, I could move that we ask Mr. Castonguay to prepare a draft amendment which would ensure that candidates for office under the Canada Elections Act be granted leave of absence without detriment to their employment.

Mr. MONTGOMERY: Then we immediately become a dictator to the corporations.

The CHAIRMAN: Without detriment to his what?

Mr. HOWARD: Without detriment to his employment. This is just in general form. I do not think we should dictate to other people, but rather that we should prevent them dictating to others.

Mr. MONTGOMERY: The government is becoming a dictator in a thing like this. It is too strong. Perhaps it can be worked out so that it will not be.

Mr. PICKERSGILL: Could the motion be read?

The CHAIRMAN: Moved that Mr. Castonguay be asked to prepare an amendment which would ensure that candidates for election under the Canada Elections Act be granted leave of absence without detriment to their employment.

Mr. PICKERSGILL: I would be prepared to second that, if Mr. Howard will include "without pay" and instead of "candidates" say "persons otherwise qualified to be candidates".

Mr. HOWARD: Yes.

Mr. AIKEN: I think it is absolutely unconstitutional. I think we have no right to dictate in respect of contracts of employment which are strictly between an employer and an employee, and is a provincial matter. I do not think we could extend the provisions of the Canada Elections Act to include this. This is purely an offhand opinion, but I think, on examination, it would be held that our rights to operate a general election could not possibly be extended in the provincial field of dictating contracts of employment.

Mr. PICKERSGILL: Then we ought to strike the provision that persons may get three hours off with pay.

Mr. BELL (*Carleton*): I intend to vote against it, but I want to say that in voting against it I do not want it to be interpreted as putting any obstacle in the way of any man running for parliament. I think we should encourage this by every means possible. But by the discussion I have not been convinced that a legislative proposal will achieve that purpose. While I have sympathy



with the general objective, I do not think the legislation will accomplish it; so I will vote against it.

The CHAIRMAN: Can we have the vote?

Mr. HOWARD: I assume it will be lost.

The CHAIRMAN: Do not prejudice.

Mr. GRILLS: I had the case of a man who came to me after the last election and said he was fired because he took two hours off in which to vote. I went to see the employer who told me that he said this man could go to vote and come right back. He said that the man came back in three hours and the next morning he told him that he was fired. He said it was not only because he stayed away so long, but was also because he was a disturber and this was a way of getting rid of him. There was the feeling that if he was going to take advantage of the three hours his interests were not with his employer who needed him.

The CHAIRMAN: I may say there are certain persons who not only lost their employment because they were candidates but have never been able to regain it because of political activity. I will mention no means.

All those in favour of the motion?

Those opposed?

I declare the motion lost.

Mr. BELL (*Carleton*): Before we adjourn, could we see what our agenda is for the broadcasting section? Perhaps members of the committee would mention the items they wish to take up.

Mr. PICKERSGILL: The things I would like to bring before the committee are the total amount of time that will be permitted for national party broadcasting in an election campaign, the division of that time between parties, the limitation on the amount of time which can be purchased on private stations, and the ensuring of genuine national coverage for the free time broadcast. Although I recognize this is a much more difficult question, there is the matter for some kind of regulation of the broadcasting by individual candidates.

The CHAIRMAN: Does any other member of the committee have a comment.

Mr. MONTGOMERY: I would like to ask for information. In the past what has been done? Have the parties got together and agreed on an allotment?

Mr. PICKERSGILL: That is true so far as national free broadcasting is concerned. I do not believe there is any real regulation of paid broadcasting. I think the people pay for what they can get or what the station will sell them.

Mr. MONTGOMERY: I think there should be something which would indicate what would constitute a party.

Mr. PICKERSGILL: I quite agree.

The CHAIRMAN: We can discuss what makes a party, for radio purposes.

Mr. PICKERSGILL: There always have been criteria in the past. You had to get a certain amount of the vote at the previous election, and so on.

The CHAIRMAN: We have section 101 to deal with. We have dealt with all other sections in the existing Elections Act. I propose that at a meeting next week we deal with a draft report for the house. After we dispose of that we will come back again to the matter of broadcasting.

It might be helpful if we had a motion along the line that the recommendations of the committee, respecting amendments to the Canada Elections Act be prepared for submission to the house in draft bill form.

Moved by Mr. Montgomery, seconded by Mr. McGee. Agreed.

The CHAIRMAN: I hope we will proceed on Tuesday to consider our interim report.



HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 18

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MONDAY, JUNE 6, 1960

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Respecting  
CANADA ELECTIONS ACT

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Fraser,  
Godin,  
Grills,  
Henderson,

Hodgson,  
Howard,  
Johnson,  
Kucherepa,  
Mandziuk,  
McBain,  
McGee,  
McIlraith,  
McWilliam,

Meunier,  
Montgomery,  
Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webster,  
Woolliams.—29

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

## MINUTES OF PROCEEDINGS

MONDAY, June 6, 1960.  
(20)

The Standing Committee on Privileges and Elections met at 9.40 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Caron, Henderson, Howard, Kucherepa, Macquarrie, McBain, McGee, Ormiston and Pickersgill.—10.

*In attendance:* Mr. Marcel Lambert, M.P., Parliamentary Secretary to the Minister of National Revenue; Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer. And also Dr. P. M. Ollivier, Parliamentary Counsel.

The Chairman tabled a letter from the Secretary of State for External Affairs, respecting the extension of the franchise to certain civilian Government employees abroad.

The Committee resumed its consideration of the provisions of the Canada Elections Act.

### *On Section 101:*

The Chief Electoral Officer submitted the following proposed amendment:

(3) Where a candidate, his official agent or any other person acting on behalf of the candidate with the candidate's actual knowledge and consent, broadcasts outside of Canada a speech or any entertainment or advertising programme during an election, in favour or on behalf of any political party or any candidate at an election, the candidate is guilty of an offence under this Act punishable on summary conviction as provided in this Act.

A document entitled "Political and Controversial Broadcast Policies", together with a related directive to Broadcasting stations, was tabled by Mr. Lambert.

Mr. Lambert supplied information requested at the last meeting.

Discussion followed, and Mr. Castonguay was requested to prepare draft amendments, embodying the Committee's views, for the next meeting.

At 11.00 a.m. the Committee adjourned until 9.30 a.m., Tuesday, June 7, 1960.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

MONDAY, June 6, 1960

The CHAIRMAN: The meeting will come to order. I would like to draw the attention of the committee to a letter which has just been received from the Secretary of State for External Affairs. Copies of this letter have been distributed to all members of the committee.

It may be your pleasure to have this letter printed as part of today's proceedings, or you may wish merely to have the original letter tabled. What is your pleasure?

Mr. PICKERSGILL: If we are not going to take any action on this request, I do not see any sense in having it printed and adding to the expense of the taxpayers.

Mr. HOWARD: Of course we have had a number of other communications, or at least the gist of them.

Mr. BELL (*Carleton*): The nature of it is fully known to all members of the committee.

The CHAIRMAN: I take it that tabling it plus the distribution of copies is satisfactory?

Agreed.

Thank you. Things would not be as they should be if Mr. Castonguay did not have an amendment for us to look at the first thing. So there is a suggested amendment to section 101, and you have it before you, I believe. I would direct your attention to it now.

Mr. CARON: It seems to cover pretty well what we were asking for at the last meeting.

Mr. NELSON CASTONGUAY (*Chief Electoral Officer of Canada*): This amendment makes this offence an illegal practice under section 79 and under section 81-B, a member who is found guilty by a competent court would lose his seat.

Mr. KUCHEREPA: What would happen in the case of a friend who is not even a Canadian citizen and who, without the consent of the candidate, should broadcast in such a manner?

Mr. CASTONGUAY: The wording of this is "with the candidate's actual knowledge and consent".

Mr. KUCHEREPA: Would Mr. Castonguay please explain what he means by that?

Mr. CASTONGUAY: The candidate would have to know of the proposed broadcast, and consent to it.

Mr. KUCHEREPA: In writing or otherwise?

Mr. CASTONGUAY: That is not implied; but anybody taking action under this particular proceeding would have to satisfy the court that the candidate had given his consent to it.

Mr. BELL (*Carleton*): I wonder if the parliamentary secretary to the Minister of National Revenue has any information to impart to the committee as to whether or not there are any areas in Canada which, at the moment, are not being covered by Canadian radio or T.V. and which could be covered during an election campaign from the United States?

Mr. M. J. A. LAMBERT (*Parliamentary Secretary to the Minister of National Revenue*): Yes, I have certain detailed information as to radio and television services. In so far as radio is concerned, there is very little area that is not covered. There might be in northwestern British Columbia a certain area; but as to the rest of the country, I doubt very much if there is any real lack of radio coverage along the border.

In so far as television is concerned, there is the southeastern part of British Columbia but this will be covered when the satellites at Nelson and Trail have been installed. Then, of course, there is a great area in the northwestern portion where radio is not received, and obviously television is not received. But it must be remembered that we are only discussing those areas that are proximate to United States facilities.

In Alberta, the southeastern corner of the province, that is in the riding of Medicine Hat—

Mr. PICKERSGILL: That is covered by American television.

Mr. LAMBERT: It may be, but the population is all too thin.

Mr. PICKERSGILL: I know that; but I supposed it was not covered by any television.

Mr. LAMBERT: I do not know; but my impression would be that the area of the United States immediately south of there is of much the same kind.

Mr. BELL (*Carleton*): Yes.

Mr. LAMBERT: In Saskatchewan there is a southerly strip, approximately a 50 mile strip running right across the province, which would take in Estevan.

Mr. PICKERSGILL: It would take in three ridings, I think.

Mr. LAMBERT: Oh yes, very definitely.

Mr. PICKERSGILL: Is that strip covered by radio?

Mr. LAMBERT: There is a new station coming in at a place called Pembina in North Dakota. This will be a very powerful station and it presumably would cover a portion of that area.

Mr. PICKERSGILL: No. Pembina is on the Red River; it might cover Manitoba and quite a part of Saskatchewan.

Mr. LAMBERT: That may be; but I know it would be a very powerful station, and it might cover part of southeastern Saskatchewan.

Mr. PICKERSGILL: I would not think so. It is as far from southeastern Saskatchewan as is Winnipeg, exactly.

Mr. LAMBERT: As far as Manitoba is concerned, at present there is a 30 mile wide strip right across the province; but when the private station in Winnipeg is in operation, this will be reduced to a strip running from the Saskatchewan boundary to about the middle of the province, plus a small pocket in the south-east corner.

Mr. PICKERSGILL: Nobody is living in that small pocket.

Mr. LAMBERT: In Ontario the Fort Frances-Rainy Lake area is covered roughly, and the north shore of Lake Superior east of Schreiber to the westerly limit of the coverage of the Sault Ste. Marie station.

In New Brunswick the westerly portion from Woodstock to Grand Falls is not covered; however information is that a private station is likely to make application for operation in this area, and if it does go through, then that area will be covered.

These are the only areas in Canada which are next to the United States or likely to be covered by United States facilities, and which have no Canadian television facilities.



Mr. BELL (*Carleton*): In British Columbia it is only the southeastern corner which is a problem, and it will not become a problem when the satellite stations come in.

Mr. LAMBERT: Only a part, because I understand that in this mountainous country the satellites will be at Trail and at Nelson. What will happen over at Creston and Cranbrook I do not know.

Mr. PICKERSGILL: That area would not be covered to any extent by American stations?

Mr. LAMBERT: Yes, they are covered from Spokane; and there is another station in there somewhere, because I remember that during the 1958 elections there was considerable coverage which came in from south of there.

Mr. BELL (*Carleton*): The new Vancouver station will cover the lower mainland. The only member that I found along the border from British Columbia who took exception was Mr. Hicks from the Fraser valley, who indicated that he had had to use Bellingham in the last election; but he thought that possibly the private station in Vancouver might give coverage to his riding, which the C.B.C. had not been able to give.

Mr. PICKERSGILL: He could not buy time on the C.B.C., but the C.B.C. station would cover that area just as well as Bellingham.

Mr. BELL (*Carleton*): But he indicated that it would not.

Mr. HOWARD: It may go up near Hope in the mountains.

Mr. LAMBERT: The Vancouver station would only cover the lower Fraser valley.

Mr. PICKERSGILL: So would Bellingham.

Mr. LAMBERT: That is true, although I think Bellingham gets to the south part of Vancouver island perhaps better than does the C.B.C. station.

Mr. PICKERSGILL: There is a station in Victoria, so there is no problem in Vancouver island.

Mr. LAMBERT: There is, shall we say, in the valleys as you extend south in southern B.C.

Mr. BELL (*Carleton*): I do not think there is any problem at all in the prairies. I consulted with a considerable number of prairie members. We have heard from Mr. Montgomery about the situation in the east. We appreciate there is difficulty in finding Saskatchewan members around at the moment.

Mr. HOWARD: Why is that?

Mr. PICKERSGILL: They are all out in Montana looking at television.

Mr. BELL (*Carleton*): Those who know the organization generally on the prairies take the attitude that there is in fact no problem; it has not been used and is most unlikely to be used at any time in the future. I had expected there might be some problems in New Brunswick. Actually, the member for Charlotte tells me he thinks it would be most unwise for any candidate to try to use United States facilities. So far as I was able to discover from a survey of the members in the Toronto, Niagara, Hamilton and Essex areas there seemed to be very little interest in the use, and indeed on the whole there seemed to be an antipathy towards any use of that sort. The only thing which really bothers me about this is British Columbia. I would not like to see anything done which would be detrimental to any of our colleagues in British Columbia, if that should be the case.

Mr. PICKERSGILL: I think we ought to remember this. If we have a prohibition it is a prohibition on all candidates whether or not they happen to be sitting members. This would not be a disability for any one person more than another. We had elections in this country before there ever was television.

The CHAIRMAN: I was interested to know there is a 30-mile no-man's land in Manitoba. I would have thought that Brandon would have penetrated to the United States border.

Mr. LAMBERT: It does not.

Mr. PICKERSGILL: Maybe Arthur away down in the corner.

Mr. LAMBERT: Down by Turtle Mountain; the country is quite hilly there.

Mr. BELL (*Carleton*): I discussed this with the member for Brandon-Souris and he said he had adequate coverage on stations available in Canada at the present time.

The CHAIRMAN: Is there anything further?

Mr. HOWARD: Our members in Manitoba do not object to this at all.

Mr. LAMBERT: There is one other thing to be considered here. It may be true enough that there is television coverage, but it may be that it is only through one station and in so far as the charges are concerned candidates would be at the mercy of that one facility.

Mr. PICKERSGILL: Not so long as we have the B.B.G. with the powers it has. It can see that these people do not charge exorbitant rates. If they do not take this action we should replace the B.B.G. These people are given a quasi monopoly which belongs to the people of Canada, and they have no right to exploit it against the democratic institutions of the country.

Mr. CASTONGUAY: I do not know to what extent the committee would want to recognize the seriousness of this offence. This particular offence, in the way the amendment is drafted, is an illegal practice. I did not know whether or not you wanted to go to the extent of making it a corrupt practice; if so this would have to be changed. The offence and the penalties for this offence are in section 79 of the Canada Elections Act. The penalties in respect of corrupt practice are found in section 78.

Mr. HOWARD: In addition to this I have one thought. This prohibits a candidate or anyone with his consent and knowledge to do this sort of thing; but what about another person broadcasting from outside Canada on behalf of the candidate without the consent or knowledge of the candidate?

Mr. CASTONGUAY: That might be rather difficult to draft. It may be somebody in the United States.

Mr. HOWARD: I was thinking specifically of Canadians who might undertake to do this in order to get around the particular section, and do it without the knowledge or consent of the candidate. They might undertake just to broadcast on behalf of a candidate or a party on their own and thus sort of get around this.

Mr. CASTONGUAY: We could draft an amended subsection to take care of persons who did that.

Mr. KUCHEREPA: I raised that question the first time. I think that is a real problem.

Mr. CASTONGUAY: I could prepare a draft amendment making it an offence for a person to do it without the candidate's knowledge or consent, if that is the wish of the committee.

Mr. HOWARD: I would think it would naturally follow.

Mr. CASTONGUAY: It might strengthen this provision.

Mr. HOWARD: Yes.

Mr. BELL (*Carleton*): I think that might be looked at if we are going to do this. There is the other aspect also; is there in fact in this any prohibition upon the national headquarters of a party?

Mr. PICKERSGILL: There is not. That is the other point. I think we should have a clause, in addition to this one, which would apply to everybody, which

says that no person shall be allowed to broadcast from a station outside of Canada from the date of the issuance of the writ until the election is over.

Mr. LAMBERT: I am not a member of this committee, Mr. Chairman, but—

Mr. BELL (*Carleton*): I think the parliamentary secretary should feel free to intervene.

Mr. LAMBERT: Where would you impose the penalty?

Mr. PICKERSGILL: On the person who did the broadcasting. We cannot do what we cannot do; but that is no reason for not doing what we can do.

Mr. KUCHEREPA: The penalty would not be against the candidate but would be against the individual. It would be in a monetary form.

Mr. CASTONGUAY: I think if you made it a corrupt practice for a person to do that there would be more severe penalties.

Mr. PICKERSGILL: My own opinion is if we impose this upon everybody and make it illegal for any Canadian to broadcast I do not think any American station in fact will broadcast these things. I do not say that lightly. After all these American stations are under the control of an agency of their government which in the circumstances would regard that I believe, as an unfriendly act. I do not think the problem of enforcement would really, in fact, be very great once we had done this.

Mr. BELL (*Carleton*): I agree with that. Is not the language of the U.K. statute apposite, covering the point we have raised?

Mr. PICKERSGILL: Leaving out "without the consent of the B.B.C."

Mr. CASTONGUAY: Section 36 (1) reads as follows:

No person shall, with intent to influence persons to give or refrain from giving their votes at a parliamentary election, use, or aid, abet, counsel, or procure the use of, any wireless transmitting station outside the United Kingdom for the transmission of any matter having reference to the election otherwise than in pursuance of arrangements made with the British Broadcasting Corporation for it to be received and re-transmitted by that Corporation.

Mr. PICKERSGILL: If we left out that last phrase I think it would fit the bill perfectly. If we made that three and this four, I think we would cure the whole problem.

The CHAIRMAN: It might be as well to alter the word "wireless".

Mr. PICKERSGILL: Yes, and to use the Canadian words, the Canadian legal terms.

The CHAIRMAN: Is it agreed that Mr. Castonguay will cogitate upon an amendment along these lines, which we might discuss at a subsequent meeting?

Agreed to.

The CHAIRMAN: Now the parliamentary secretary to the Minister of National Revenue, whom we welcome here again, had some questions directed to him at our meeting on Thursday; and I am sure that he has some information relative thereto. Mr. Lambert, please?

Mr. LAMBERT: Mr. Chairman, there was one question asked on delayed broadcasts, and observations made in connection with that.

During the last two federal elections there was some delay on some television stations with regard to free time broadcasting. That was because of the shortage of micro-wave facilities. However, since the micro-wave now extends from Newfoundland to British Columbia, free time programs for the next federal election will be released simultaneously, with suitable regional hourly delays on the prairies and British Columbia, on all connected stations.



There are 53 connected stations at present. The non-connected ones are at Goose Bay, Labrador, Dawson Creek, British Columbia, and the French station at St. Boniface, Manitoba. A station will be opened shortly at Lloydminster, but the network connection will not be available until late in 1961. There is a proposed station to be built at Prince George, B.C., which will not be connected.

During the current provincial election campaigns in Saskatchewan, New Brunswick and Nova Scotia all of the stations in each province are releasing the free time political telecasts simultaneously, and this is what will happen during the next federal election campaign.

Mr. PICKERSGILL: I note there are three provinces mentioned, but there are four provincial elections going on.

Mr. LAMBERT: There was no mention made of the province of Quebec, but I do not know there is any particular difference that applies there. I note that in the information given to me by the C.B.C.; and I may say this, that it is now being worked out with the affiliated stations within the provinces that they will release simultaneously. This is a matter for agreement. There is, however, the expectation that an eventual simultaneous release will be worked out from one coast to the other.

Mr. BELL (*Carleton*): I think if we accept that as the conduct on the part of the C.B.C., that is a very satisfactory ending to the matter that was raised the other day.

Mr. LAMBERT: Reference was made to the current *Nation's Business* series. This has been scheduled on the network every second Thursday at 7.30-7.45 p.m., and all C.B.C. stations carried it at this time. By agreement, some private stations were permitted to delay the release of this within seven days of the network release date between the hours of 6.00 and 11.00 p.m., Monday through Saturday. However, at the affiliates meeting in March the C.B.C. received agreement in principle from the affiliated stations that next season this series would be scheduled on a regional or provincial basis, with simultaneous release on all stations at a commonly agreeable time. These arrangements have not been finalized yet, but the C.B.C. expect that the next year's *Nation's Business* scheduling will be an improvement over the current season. It is hoped that, depending on the availability of transmission circuits, the broadcasts in all regions will occur on the same day.

Mr. PICKERSGILL: *The Nation's Business* is not strictly within our purview, because we are talking about broadcasts during elections; but what Mr. Lambert has told us is very welcome news indeed, and we only hope that the private stations will show adequate zeal in doing what we all want.

Mr. BELL (*Carleton*): So say we all.

Mr. HOWARD: Has Mr. Lambert finished?

Mr. LAMBERT: On that particular question, yes.

Mr. HOWARD: You have others that were raised?

Mr. LAMBERT: There were other points that were raised, matters generally about political broadcasting, on which I have information, but I think I should wait until the questions come up.

Mr. HOWARD: There was a reference made in subsection (2)—and this was raised, I think, casually the other day, and I do not think we did anything definite about it—to the definition of "broadcasting" in the Radio Act, which I understand does not exist any longer.

Mr. LAMBERT: The Radio Act does still exist. It is handled by the Department of Transport.

Mr. HOWARD: I see. I wonder whether if they desire, from time to time, to change the definition of broadcasting—it seems to me this has reference to telemetering and community antenna TV.

Mr. LAMBERT: Yes, and that is a problem which is receiving attention now.

Mr. HOWARD: While we may not be able to deal with it here, I wonder whether we might not say that in the Radio Act or any amendments thereto, so that if eventually this thing is altered in the Radio Act it will cover that problem too.

Mr. BELL (*Carleton*): I think the Interpretation Act would take care of the point Mr. Howard made.

Mr. PICKERSGILL: If there were any amendment to the Radio Act it would still be the Radio Act, and this does not say on any definite date.

Mr. LAMBERT: The Broadcasting Act is, perhaps, the more important one.

Mr. PICKERSGILL: I am wondering whether this would not be the thing to change, to strike out the reference to the Radio Act and say "Broadcasting Act." I presume this goes back to the early days, when the Radio Act was the only act.

Mr. LAMBERT: It could be.

Mr. BELL (*Carleton*): It seems to me the correct act to make reference to is the Broadcasting Act.

Mr. PICKERSGILL: I think so. I would be pleased if the Chief Electoral Officer would check that with the law officers and make sure it is. It might be there should be a reference to both.

Mr. HENDERSON: Marcel, why is not Dawson Creek on "*The Nation's Business*"?

Mr. LAMBERT: As far as I understand it, it is. It would be a matter of that station not wanting to be a carrier.

Mr. PICKERSGILL: Sabotage!

Mr. LAMBERT: It is what they call an unconnected station, because of the lack of microwave facilities; but there is no doubt they could have the kine-scope. I do not know whether they do, in fact, carry it or not.

Mr. McGEE: How long would it take a "kine" to get from somewhere to Dawson Creek?

Mr. LAMBERT: I would not think the seven days would apply, because it is only a short flight from Edmonton.

Mr. HENDERSON: It is just a couple of hours from Edmonton.

Mr. PICKERSGILL: There is surely no technical problem at all?

Mr. LAMBERT: I am not too sure it is not being carried.

Mr. HENDERSON: It is not being carried, and it is not printed on the list. I went over to the Conservative headquarters there, and they did not have an answer.

Mr. LAMBERT: I will take that under advisement.

The CHAIRMAN: In the process of searching for other information you can check on that, Mr. Lambert.

Anything further on the specific question Mr. Lambert has dealt with, before we move into the area of greater generality?

All right, Mr. Lambert. Have you any further comment?

Mr. LAMBERT: I may say this, Mr. Chairman, in so far as political broadcasting is concerned, to indicate to the committee the control that is carried

on. First of all, through the Broadcasting Act, the responsibility is laid on the Board of Broadcast Governors for the control of political broadcasting and the matter of its regulations.

Then in the regulations, first of all as to radio broadcasting station regulations, you have clause No. 6, which says:

Each station shall allocate time for the broadcasting of programs, advertisements or announcements of a partisan political character on an equitable basis to all parties and rival candidates.

Those regulations are dated July 8, 1959. With respect to the radio (TV) broadcasting regulations, these are dated December 9, 1959, and I will read clause No. 7 thereof:

- (1) Each station shall allocate time from the broadcasting of programs, advertisements or announcements of a partisan political character on an equitable basis to all parties and rival candidates.
- (2) Political programs, advertisements or announcements shall be broadcast by stations in accordance with the directions of the board issued from time to time respecting:
  - (a) the proportion of time which may be devoted to the broadcasting of programs, advertisements or announcements of a partisan political character, and
  - (b) the assignment of time to all political parties and rival candidates.

Under the authority of these regulations the Board of Broadcast Governors from time to time has promulgated what they call detailed regulations, or a so-called white paper. The latest date of these is March 1, 1960. They are of considerable length, Mr. Chairman, and I am prepared to table a copy of them so that they form part of this record, if that is desired by the committee.

The CHAIRMAN: Is that agreed, that Mr. Lambert table this information?

Mr. BELL (*Carleton*): That does not mean that they will be printed. They are simply tabled—because they are a public document.

Mr. PICKERSGILL: Are they in printed form at the present time?

Mr. LAMBERT: They are in mimeographed form, and they are available to whomsoever calls at the Board of Broadcast Governors and wishes a copy.

Mr. PICKERSGILL: But they are a matter of public record?

Mr. BELL (*Carleton*): I do not think they need to be printed.

Mr. CARON: The members of the committee should have a copy of them.

Mr. LAMBERT: I could obtain copies.

Mr. PICKERSGILL: If we had copies distributed to the members of the committee so they could be studied between now and the next meeting, I think it would be very helpful.

Mr. BELL (*Carleton*): Then they should be distributed to the committee this afternoon.

The CHAIRMAN: Will you arrange for that, Mr. Lambert?

Mr. LAMBERT: Yes.

The CHAIRMAN: That will be done, gentlemen.

Mr. LAMBERT: If I may say this, briefly, Mr. Chairman: the Board of Broadcast Governors has set no arbitrary limit to the total amount of time that will be permitted for a national party broadcasting in an election campaign.

The division of free time on the C.B.C. radio and television networks in national or provincial elections is established by the C.B.C.'s coordinator of station relations on a mutually agreed basis with representatives of the parties



involved. To date this method has worked satisfactorily, but if the parties should not agree on the division of time, it is provided in the B.B.G.'s political and controversial broadcasting policies that "the board will allocate the time available in such fair and reasonable manner as it deems necessary".

Mr. PICKERSGILL: If I might interrupt: I am right, am I not, in assuming that the C.B.C. no longer has any jurisdiction in this field, and the jurisdiction is exclusively with the B.B.G.

Mr. LAMBERT: It is within the B.B.G. However, I do not think there has been too much difficulty, except that I believe there may have been, for the 1958 federal election, some breakdown in negotiations. At that time I believe it was the C.B.C. who still had control of these matters, and they allocated the time.

There are two factors involved in the limitation on the amount of time which can be purchased on radio stations. The B.B.G. regulations governing radio and television provide that each station "shall allocate time for the broadcasting of programs, advertisements or announcements of a partisan political character on an equitable basis to all parties and rival candidates". The other factor is that political and controversial broadcasting policies of the B.B.G. provide that the public shall be secured "against an excessive amount of political broadcasting to the exclusion of entertainment and other normal program material". All individual stations must advise the board of all paid political bookings and the time for each.

Genuine national coverage for the free-time political broadcasts in national elections is ensured by the corporation, as it feeds these programs in reserved or option time to its basic stations and affiliates. And I have already indicated to you how the C.B.C. does that.

As to the question relating to "some kind of regulation of broadcasting by individual candidates", it is provided in the regulations of the B.B.G. governing both radio and television that time must be allocated "on an equitable basis to all parties and rival candidates". In other words, if a station accepts payment from one candidate of a particular party on the air, it must be prepared to make available an equitable amount of time to another rival candidate or other rival candidates.

In so far as the matter of telemetering stations or community antenna television stations is concerned, the B.B.G. as presently advised states that it has no authority under the Broadcasting Act of 1958, because these are non-Hertzian wave media.

Mr. PICKERSGILL: In other words, they are not wireless?

Mr. LAMBERT: That is right.

Mr. PICKERSGILL: That is what that means, in simple language.

Mr. LAMBERT: It may turn on the fact that there is no actual broadcasting.

Mr. PICKERSGILL: That is right: they are communicated over wires. In order to start the discussion, I would suggest that we ought to prohibit advertising entirely. I see there is a great deal to be said for allowing the purchase of time for candidates to make speeches, however brief; but I cannot see any conceivable reason why there needs to be this "vote for so-and-so; vote for so-and-so" harped at you all through the election campaign. If nobody is allowed to do it, nobody is discriminated against.

Surely the purpose of broadcasting is to enlighten the electorate, not just to turn elections into a "Drink Coca-Cola" advertisement.

Mr. BELL (*Carleton*): I am not familiar with what Mr. Pickersgill is referring to, having only been in a C.B.C. centre during campaign time. Speeches only are permitted on the C.B.C. station.

Has there been any such type of advertising used in other places? It seems to me that that would probably violate the rule in the act against dramatization.

Mr. PICKERSGILL: No; there are these so-called spot advertisements. It is the same as these patent medicine advertisements, and so on, or "Drink Coca-Cola". It is really this whole business of turning an election campaign into a kind of Coca-Cola advertising campaign.

The CHAIRMAN: "Sloganeering", in part?

Mr. PICKERSGILL: Yes.

Mr. BELL (*Carleton*): Would Mr. Pickersgill include both television and radio in that?

Mr. PICKERSGILL: Yes, certainly.

Mr. McGEE: I would be interested in knowing how this spot advertising differs from the similar type of advertising that all of us, who have been short in their advertising budget, have settled for in newspapers, rather than a quarter page of larger ads.

Mr. PICKERSGILL: We do not profess to have any jurisdiction over newspapers. However, radio, by its very nature, is monopolistic or quasi monopolistic in most parts of the country. If someone has a big budget, it is possible to saturate these stations with these spot things.

Mr. McGEE: But I am coming at it from the other way. This has happened to me. I have, say, 12 local newspapers in my constituency. It is prohibitive for me to take impressive size ads in these 12 newspapers, from the point of view of cost. I settled for one or two of this type of thing which you have in mind, in regard to stations. The same thing will apply. If I cannot afford, as a candidate, to take 15 minutes to make a speech, am I prohibited from using the medium at all?—because, this is what is going to happen: if I cannot afford the chunk that you define, I am ruled out—and I do not like the sound of that at all.

Mr. PICKERSGILL: I always have assumed that parliamentary elections were supposed to be settled by discussion and enlightenment, and not by the technique of hammering the electors over the head.

Mr. LAMBERT: Where I live and campaign, private stations have been the rule. The point, as raised by Mr. McGee, very definitely applies there, in that some of those candidates, who may be independents, and do not have any party, cannot afford the rates that exist for a five-minute broadcast, in which a speech could be given, and they will come in for an eight-second spot, a thirty-second spot, or a one-minute announcement, which will have been taped. My view is that one should not create a monopoly of the media of communication to the electorate.

Mr. BELL (*Carleton*): I think that is soundly put. It is not to be assumed, because a candidate uses a thirty-second spot for an announcement, that he is not, in fact, seeking, by argument, to influence the electorate. I have used this advertising technique fairly extensively and, in each one, I endeavour to get across a crisp, argumentative message. I must say I think that, perhaps, I get more response from that than I do from five or ten-minute broadcasts. Unfortunately, it is difficult to get people to listen these days to speeches which are of any length.

My own reaction to Mr. Pickersgill's proposal, is that it puts the broadcasting industry in a straitjacket, so far as elections are concerned.

Mr. PICKERSGILL: I do not want to be misunderstood, by suggesting that any speeches by a candidate, however short—

Mr. BELL (*Carleton*): Or, on his behalf.

Mr. PICKERSGILL: Or, someone identified on his behalf—I refer to anonymous announcements made on behalf of the party, which are not messages of any kind. I am referring to simple saturation advertising, of a “drink Coca-Cola” variety. It seems to me that kind of thing adds to the cost of elections. All you do is force every serious candidate to spend that much more money on elections, and it is doing absolutely nothing whatever for the democratic process. I am opposed to it.

Mr. McGEE: Is there not an overriding—I do not know if it is mentioned—but something about amounting to good taste. This sort of penetration, or machine gun type of thing, would violate good taste. I am concerned about the person who is on a limited budget and, possibly, whose only opportunity to have his name placed before the electorate in a particular area, is through the use of one of these cheap ads, which these things are, and not to prohibit that particularly. The parliamentary secretary stated that this was felt most seriously by the independent candidates.

Mr. KUCHEREPA: To prohibit the type of advertising to which Mr. Pickersgill refers, may lead us into the other problem of having an excessive amount of political advertising on radio and television.

Mr. LAMBERT: The B.B.G. regulations provide against excessive political broadcasting to the exclusion of normal programming which the stations carry out. Through experience, it also must be observed that there is a point of diminishing return in these things, and that one cannot be that paternal in the conduct of election campaigns.

Mr. PICKERSGILL: I am not suggesting being paternal at all; I am suggesting self-denying ordinances.

Mr. BELL (*Carleton*): I cannot see any self-denying ordinance, which would not do to candidates and the broadcasting industry much more harm than it does any good.

Mr. PICKERSGILL: I would be exceedingly surprised if the broadcasting industry is very much concerned about this because, obviously, this is a very transitory sort of thing, and interferes with their ordinary business. I would think most of these private stations would be very glad not to have to be bothered with it, and have it disrupt their ordinary broadcast, if they did not have to.

Mr. BELL (*Carleton*): I must say that the private stations with which I have dealt have a high concept of public service; they are quite anxious to be helpful to all candidates, without any partisanship.

Mr. PICKERSGILL: I agree with you on that, but if they do not have to take this particular kind of broadcasting from anyone, I do not think they would be sorry at all. Further, I do not think it would represent any economical loss to them but, probably the reverse.

Mr. McGEE: This might be a desirable thing, but I still say it is going to discriminate against a low budget candidate—and I would be opposed to it on that ground.

Mr. BELL (*Carleton*): In discussing these particular announcements and flashes, should we not deal with the three matters raised in the C.A.B. brief, and dispose of them now? The three matters are:

- (a) the requisite identification shall be made both before and after messages of a partisan political character where these are actually programs;
- (b) the required identification need be made only before or after but not in both cases where the partisan political message is of less than program length; and



- (c) that in the case of television broadcasts only; visual identification throughout a message of a partisan political character shorter than program length will be considered sufficient for purposes of the subsection.

These appear at the final page of the brief.

I wonder if the parliamentary secretary has had an opportunity to consider those?

Mr. LAMBERT: Mr. Chairman, there again, it is a matter of personal opinion.

I think there is some force in the argument put forward by the C.A.B., that while it is true that no one would consider an eight-second spot on radio, that on television, with the visual impact of these things, instead of having an announcer giving the sponsorship twice—and he cannot get it through in eight seconds—you could have the sponsorship visually indicated just as well.

Mr. HENDERSON: It does not make much difference. In 1953, a famous Herbert Anscombe broadcast came on, which said: this is Herbert Anscombe—and then, click, click, click. It sure did not do any good there. A woman came on the radio and they asked her what she liked best about the radio, and she replied “the knob”.

Mr. LAMBERT: However, Mr. Chairman, my own view is that this relaxation of the requirement would be limited only to these one minute or less advertisements in so far as television is concerned.

Mr. BELL (*Carleton*): What about radio, Mr. Lambert?

Mr. LAMBERT: I think, in so far as radio is concerned, the same thing would apply. I do not think anybody could really speak for only 30 seconds. I think in regard to the 10 second spot announcement it is quite sufficient to have acknowledgement but once. That is a personal opinion.

Mr. PICKERSGILL: Yes, quite, but I would disagree with that view because I do not like these spot announcements at all, and to make it easier to conceal their real character would, I think, make the whole thing that much more objectionable.

I agree that as far as the other is concerned, if there is a visual identification throughout the whole period, there would be no necessity for identifying words at the beginning and end.

Mr. LAMBERT: Yes, that is provided for.

Mr. PICKERSGILL: Yes, quite. I think that is a reasonable acknowledgement of the difference between the television medium and the radio medium. However, I feel where one relies entirely upon hearing, the announcement should be identified before and after.

Mr. MCGEE: You are referring to the 30 second announcements?

Mr. PICKERSGILL: I would like to make these 30 second announcements just as unacceptable as possible because I believe the proper way to conduct an election is by debate and discussion and not by a form of advertisement which appeals, not to the intellect at all, but appeals in some of these other more objectionable ways.

Mr. BELL (*Carleton*): I do not agree with Mr. Pickersgill in that brevity does not appeal to the intellect.

Mr. PICKERSGILL: That brevity does not appeal to the intellect?

Mr. MCGEE: Mr. Pickersgill seems to be against the short and cheap forms of advertisement.

Mr. PICKERSGILL: I am certainly against cheap advertisement.

Mr. MCGEE: Perhaps I should use the word "inexpensive" advertisement. However, I say again that while it is a lofty idea that Mr. Pickersgill expresses, it is clearly going to discriminate against the candidate who is not as well heeled as Mr. Pickersgill, or someone else who wants to indulge in some intellectual discussion for half an hour. I have in two elections had bitter practical experience based on the size of ads in newspapers and the amount of time on radio and television. There is a very serious problem which is going to occur again and grow more serious.

Mr. PICKERSGILL: That is exactly true, and that is precisely the reason for my view. There is no discrimination as between candidates whatsoever. What one candidate can do another can do.

Mr. MCGEE: That is true, if he can afford to. If everyone is going to make a 15 minute speech or conduct a 15 minute discussion and I cannot afford to pay for that amount of time, then I am being discriminated against.

Mr. PICKERSGILL: I am not saying that everyone can do that; but if no one is allowed to advertise in this particular way, then no money will be spent in this regard and there will be no discrimination against anyone.

Mr. LAMBERT: Mr. Chairman, I might remind the members that we are dealing with the Broadcasting Act which deals not only with federal elections but with all elections, including those in the municipal field; and in view of that I feel that Mr. McGee's point of view becomes more valuable. You are also dealing with the municipal field and there, as you know, one must operate on a very limited budget.

Mr. PICKERSGILL: I believe Mr. McGee is under a complete misapprehension as to the position I take. If he wants to make a one-minute speech rather than a 15 minute speech I would have no objection to that. I have no objection to a speech of any candidate. What I do suggest is that we prohibit these flash advertisements which are not broadcast by a candidate at all, but are utterly anonymous advertisements done for the purpose of influencing electors in other ways than by debate and discussion.

The CHAIRMAN: Are there any further comments? Not that I am encouraging the continuation of this particular discussion.

Mr. MCGEE: Mr. Pickersgill indicated that I was under some misapprehension. I would like to point out that I am not under such a misapprehension. I still believe that this inexpensive type of advertisement in many cases is the only form of communication available to a certain economic category of candidate.

Mr. PICKERSGILL: It is very touching, sir, to hear a representative of the best heeled party in the country speak in this way.

Mr. HENDERSON: Speak for yourself, Mr. Pickersgill.

Mr. BELL (*Carleton*): Mr. Chairman, I think the consensus of opinion of this committee is that we ought not to do anything to prohibit this type of advertisement. I think the consensus is that we would be generally in favour of the recommendations made by the Canadian Association of Broadcasters. I think Mr. Pickersgill disagrees with only one of its aspects and that is item (b). I suppose this is not within the jurisdiction of this committee as such, as long as the act and the regulations stand as they are. This is actually within the jurisdiction of the board of broadcast governors. I suppose our discussion is really only for the purpose of giving the board of broadcast governors an indication of what the feeling of the various members might be.

Mr. LAMBERT: On a point of correction; this is a matter of statutory provision in the Broadcasting Act.

Mr. BELL (*Carleton*): Where is that indicated?



Mr. LAMBERT: It is indicated in section 17 (2).

Mr. BELL (*Carlton*): Yes, I beg your pardon.

Mr. McGEE: Just so that Mr. Pickersgill's snide remark will not go unanswered, I invite him to speak to those individuals who have counted the number of newspaper ads and the number of large and small signs and other forms of advertisement which appeared in York-Scarborough in 1957-58 which, I suggest, will indicate to him the well heeled party.

The CHAIRMAN: If there is any area of discussion leading to the consideration of the amendment to section 101 we might cover it now.

Mr. PICKERSGILL: I do not see how we can amend section 101 much more than we have proposed to do. I feel the important question is one which may or may not be within our technical term of reference but, as Mr. Bell has said, whatever our technical term of reference is, in view of the commitment made by the Minister of National Revenue two years ago, this should not stand in the way of our discussions as to whether an additional section or sections should be put into the Broadcasting Act, having the jurisdiction over election broadcasting transferred from the Broadcasting Act to this act. I might say that I do think that should be done, in some respects. I do think we should prescribe in the election act the total amount of free time that is to be available to political parties, and the formula for dividing the time. I would also like to see a limit put on the amount of free time that any party or any candidate may have. Judging from the discussion we have had this morning this is not very likely to happen. There are two separate questions there, Mr. Chairman, I recognize that.

Mr. BELL (*Carleton*): I wonder if Mr. Pickersgill would go ahead and expand his view in relation to this suggestion, and indicate to the committee how he considers it feasible in an enactment of parliament, to suggest the total amount of time, and to provide a formula in an enactment of parliament for the provision of that time.

Mr. PICKERSGILL: Obviously this total amount of time in regard to the last two federal elections is well known. The amount of national broadcasting time and the formula for the division of this time is a matter of record in regard to the last two federal elections. It seems to me that there would be very little difficulty in regulating the amount of time to be allotted, dividing it on such and such a basis, if we wanted to agree.

Mr. BELL (*Carleton*): Would it not be true that the total amount of time would be different if you had three national parties as opposed to five national parties, and also a difference as to the time that ought to be provided?

Mr. PICKERSGILL: That might be or might not be.

Mr. BELL (*Carleton*): If you had five or six national parties might it not become unfair to all parties if you had an actual ceiling on the amount of time that they were allotted? This limitation might make it impossible for the government and official opposition, and the generally accepted parties, to get their points of view across in the sustained time.

I put this by way of a query simply to try to clear my mind as to what Mr. Pickersgill's proposal is, and as to how it would work in fact.

Mr. PICKERSGILL: On the question of time, I have three points, and I think it would be quite insupportable. But on the question of the total amount of time, it would depend somewhat on what formula was accepted for the division. If we accept the British system, which is to give exactly the same amount of time to the government and to the official opposition, and a proportionately very much smaller time to any other party there might be, then of course I presume the simplest way of doing it would be to put a limit on the amount



of time which the two main parties would get, and then to split the difference according to the formula. Once it was defined, it would then be just a matter of arithmetic.

If, on the other hand, we took the position that the government should get half the time, and that the other half should be divided among all the opposition parties according to some proportion that was equitably agreed to, then Mr. Bell's question would not arise, because the proportion that the opposition parties would get would depend on whatever the formula was.

However if another formula was being discussed—and a good deal of our party supported it in the past, and I think we would still be prepared to support it; I do not say this is our favourite way of doing it, but this is one way which I think we would still be prepared to accept—if the time were divided according to the share of the popular vote that the various parties got at the last preceding general election, then it seems to me that the total amount of time could be fixed, and there would be no trouble.

Mr. LAMBERT: That of course has implications not only for a national election but for provincial elections as well.

Mr. PICKERSGILL: Obviously, we cannot put it into the Canada Elections Act unless it applies to the elections.

Mr. LAMBERT: At the moment the difficulty is that the board of broadcast governors sets out the regulations and applies them throughout the country on a national basis; provincial and federal elections are handled on the same basis. Where would you then be?

Mr. CARON: Would it not be the same thing if you put something in the Elections Act for the general elections of Canada, and if the board of broadcast governors would have the same thing for other elections, as they have it now?

Mr. PICKERSGILL: I would think the B.B.G. would be very much impressed by what parliament did in respect of national elections in formulating regulations for other kinds of broadcasting.

Mr. BELL (*Carleton*): But would it not be necessary to leave it to the discretion of the B.B.G. in respect of provincial and municipal elections?

An HON. MEMBER: I would think we would have resentment from the political parties in the provinces if parliament said this shall be the division of time.

Mr. CARON: That is what I thought. It should be only for Canadian general elections.

The CHAIRMAN: Is there any further comment, Mr. Lambert?

Mr. LAMBERT: My own personal view is if we put in a statutory definition and introduce a certain inflexibility it may not follow along with the development as time goes on. If the present regulations seem to be working out all right, then why not apply the old adage of "Why make a change if it is not a change for the better". If you are going to make a change only make a change for the better.

Mr. PICKERSGILL: In so far as our party is concerned, we never have been satisfied. We never have felt that the formula applied was a satisfactory one. Also I do not think the board of broadcast governors is a suitable body to determine these things. Parliament ought to take that responsibility. It is not a suitable body for federal elections and we cannot put in the Canada Elections Act a provision in respect of provincial elections.

Mr. CARON: We cannot decide for the provinces or the municipalities. We decide in respect of federal elections.

Mr. BELL (*Carleton*): I would wish, Mr. Chairman, to avoid, if there is any feasible technique, the always difficult and sometimes acrimonious negotiations that go on between the parties. I had the role in three elections—1945, 1949 and 1953—of being a chief negotiator on behalf of my party. In two of them, the first two, we achieved agreement simply because Mr. David Lewis, Mr. Solon Low and I succumbed to the blandishments of Senator Fogo and Duncan MacTavish, and we took less than we thought we were entitled to.

In 1953 we dug our heels in and said we would not be shoved around, the way the Liberal party was trying to shove us around at that time; and we put it in this situation—the C.B.C. had to impose the amount of time.

During all that period of time the fact was that the Liberal party sought to have half the total amount of time, and to divide the rest up among the three other parties. To me that is a most unjust point of view to take, and is simply an attempt to preserve the status quo. I think in a democratic country political parties in opposition have rights just as much as the government has.

As I say, if there were a feasibility that could be worked out, I would like to see it incorporated in the act, but I think if we take it away from agreements among the parties we are going to get into a formula of the type Mr. Pickersgill referred to, half to the government and the balance to the opposition parties. To me that is the antithesis of our democracy.

Mr. CARON: I think our view is that if we could divide it another way it would be a lot better than half to the government and half to the other parties; but that is the question, to try to find a way which would be satisfactory to our democratic way of life.

Mr. PICKERSGILL: I must say that I always supported the view, when we were in office, that under the British parliamentary system, just as our house is divided into two sides and is not divided into a whole lot of groups, so in this field it should be divided that way.

Speaking for myself, I would defend the position we took then, and I would accept that position now. If it were the wish of the committee the division should be half the time should go to the party in office and half the time to those contending for office, I would say that was a perfectly fair and reasonable way of doing it, under our system of government, whereby, if you are going to have any really responsible government, you have to recognize that there must be two sides, and I think you have to take into account the fact that there are, in fact, more than two parties, and make reasonable provision for that.

I must say that at the time I defended these things officially, I had never taken the trouble to inquire, and therefore did not know what the British system is. I think there might be quite a lot to be said for the British system, which is to divide the time equally between the government and the official opposition, and to give a proportionate amount of time to any other parties, according to some definition of "party" that would prevent people constructing parties for the purpose of getting broadcasting time.

I would also be willing to accept the formula of the popular vote. I think that getting one of those three things would be acceptable to us as a party. But I would not like it to be thought that we would not be willing to accept now the position we took when we were in office, when we would have got half the time—because we would. We recognize the fact, and it does not seem unreasonable to me that a government which is in office, which has been entrusted with the governing of our country, should have as much time to defend itself as those who are trying to put it out of office have to put it out of office.

I do not think that in fact Mr. Bell and I are really very far apart.

Mr. BELL (*Carleton*): I think perhaps we are farthest apart as to whether it should be a matter of statutory enactment, or whether it should be a matter of agreement between the parties, and whether statutory enactment makes it too rigid, too inflexible. I think that is perhaps where we are farthest apart.

Mr. PICKERSGILL: I think there is this point to consider; that if you could really get agreement between the parties, then there is no reason why you should not put it in the act. If you cannot get agreement between the parties, I think that is a stronger argument for putting it in the act, instead of leaving it to the members of the B.B.G., who, however admirable they may be, were chosen because they would have a certain function with respect to broadcasting, and not chosen because of a very special knowledge of political broadcasting on elections. This should be settled by a resolving body.

In view of the fact that we very soon have to be in another place—and some of us would like a minute or two to make preparations to get there—I would like to suggest that if Mr. Lambert could arrange to have the white paper distributed, we could discuss this thing much more intelligently at our next meeting.

The CHAIRMAN: I would prefer it be discussed, not at the next meeting, but at the one after that. We will deal with the interim report tomorrow.

Mr. PICKERSGILL: Could we not include in our interim report these other amendments? I think we all want these amendments to section 101, regardless of what we do about broadcasting in Canada.

The CHAIRMAN: We can have a look at them, if Mr. Castonguay has them ready.

Mr. BELL (*Carleton*): I am a little doubtful as to that.

I think we should treat section 101 as a complete unit because, if we do anything, we are going to have to make further amendments to section 101.

I gather Mr. Castonguay has a printed set of amendments. I doubt if we could have them printed in time to get them into the house, if we had an amendment to section 101.

Mr. PICKERSGILL: I feel, Mr. Chairman, that we do want to make these amendments to prohibit broadcasting. Speaking frankly, I have very grave doubts that we will reach agreement on this question of broadcasting, generally, in time to amend the act this year. However, that is no reason why we should prohibit this broadcasting from foreign stations—and I would like to see that go into our report.

Mr. CASTONGUAY: I can have the amendments which you asked me to prepare, for tomorrow morning.

Mr. PICKERSGILL: Well, let us have them then.

The CHAIRMAN: Well, we will see what we have, as far as time is concerned.





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

# PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS

No. 19

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TUESDAY, JUNE 7, 1960

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Respecting  
CANADA ELECTIONS ACT

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INCLUDING THIRD REPORT TO THE HOUSE

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WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer of Canada.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1960

## STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,	Hodgson,	Meunier,
Barrington,	Howard,	Montgomery,
Bell ( <i>Carleton</i> ),	Johnson,	Nielsen,
Caron,	Kucherepa,	Ormiston,
Deschambault,	Mandziuk,	Paul,
Fraser,	McBain,	Pickersgill,
Godin,	McGee,	Richard ( <i>Ottawa East</i> ),
Grills,	McIlraith,	Webster,
Henderson,	McWilliam,	Woolliams.—29

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*



## REPORT TO THE HOUSE

MONDAY, June 13, 1960

The Standing Committee on Privileges and Elections has the honour to present its

### THIRD REPORT

On Wednesday, March 23, 1960, the House of Commons ordered as follows:

That the Standing Committee on Privileges and Elections be empowered to study the Canada Elections Act and the Report and Evidence of the Standing Committee on Privileges and Elections 1959, and to report to the House such proposals as the Committee may deem it to be advisable.

Since that time the Committee has held 18 regular sittings. As well, a number of meetings of the Subcommittee on Agenda and Procedure have been held.

Your Committee notes that during the present session, Parliament has made certain amendments to the Canada Elections Act, as well as to the Indian Act, for the purpose of extending the franchise to Canada's Indian population.

Your Committee has considered carefully the following practices and principles with a view to broadening and strengthening Canada's electoral procedure:

- (a) The establishment of permanent lists of voters;
- (b) Absentee voting;
- (c) Proxy voting;
- (d) Advance polls;
- (e) Lowering of the eligible voting age from twenty-one to *eighteen* years.

Your Committee is convinced of the necessity for providing *advance polls* for the convenience of all persons who have reason to believe that they will be absent from their polling division on the *ordinary polling day*.

In addition to the above matters, your Committee has also considered a number of amendments to the Act proposed by the Chief Electoral Officer and others for the purpose of facilitating the administration of the Act.

The recommendations of your Committee, prepared in the form of draft amendments, are appended to this report. At the same time, the Committee wishes to emphasize the desirability of introducing, as soon as possible, the legislation required to implement these recommendations.

A copy of the Committee's Minutes of Proceedings and Evidence, respecting the Canada Elections Act and related matters, is tabled.

Respectfully submitted,

HEATH MACQUARRIE,  
*Chairman.*



## PROPOSED AMENDMENTS

Repeal.

**1.** Subsection (4) of section 2 of the *Canada Elections Act* is repealed.

**2.** Subsection (8) of section 2 of the said Act is repealed and the following substituted therefor:

"Election officer."

"(8) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer, revising agent or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn;"

**3.** Subsection (12) of section 2 of the said Act is repealed.

**4.** Subsection (27) of section 2 of the said Act is repealed and the following substituted therefor:

"Polling day",  
"day of polling" or  
"ordinary polling day."

"(27) "polling day", "day of polling" or "ordinary polling day" means the day provided by section 21 for holding the poll at an election;"

**5.** Section 2 of the said Act is further amended by adding thereto immediately after subsection (33) thereof the following subsection:

"Revising agent."

"(33a) "revising agent" means a person appointed by the returning officer pursuant to Rule (42) of Schedule A to section 17;"

**6.** Section 5 of the said Act is amended by adding the following subsection:

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Miscalculation, mistake or emergency.

“(2) If during the course of any election it transpires that insufficient time has been allowed or insufficient election officers or polling stations have been provided for the execution of any of the purposes of this Act, by reason of the operation of any provision of this Act or of any mistake or miscalculation or of any unforeseen emergency, the Chief Electoral Officer may, notwithstanding anything in this Act, extend the time for doing any act or acts, increase the number of election officers, including revising officers, who shall, however, be appointed by the appropriate *ex officio* revising officer, who have been appointed for the performance of any duty, or increase the number of polling stations, and, generally, the Chief Electoral Officer may adapt the provisions of this Act to the execution of its intent; but in the exercise of this discretion no votes shall be cast before or after the hours fixed in this Act for the opening and closing of the poll.” 5 10 15

7. Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor:

Attendance at office by returning officer and election clerk.

“(2) Either the returning officer or the election clerk shall remain continuously on duty in the returning officer's office during the hours that the polls are open. 20

(3) No returning officer or election clerk shall act as deputy returning officer or poll clerk at any polling station.”

Returning officer or election clerk may not act at any polling station.

8. Paragraph (c) of subsection (1) of section 14 of the said Act is repealed and the following substituted therefor: 25

“(c) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and” 30

9. Section 14 of the said Act is amended by adding thereto the following subsection:

“(8) Paragraph (c) of subsection (1) does not apply to the wife of a Canadian Forces elector who resided with her husband during his service outside Canada.” 35

10. Subsection (3) of section 15 of the said Act is amended by striking out the word “and” at the end of paragraph (c) thereof, by repealing paragraph (d) thereof and by substituting therefor the following paragraphs: 40

“(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate; and

(e) any agent having a written authorization from a candidate pursuant to section 34.” 45

**11.** Section 16 of the said Act is amended by adding thereto immediately after subsection (7) thereof the following subsection:

Dependants  
of clergymen  
and teachers.

“(7A) The election by any person pursuant to subsection (7) shall be deemed to entitle the spouse and dependants, if any, of such person, if otherwise qualified, to be included on the list of electors for the polling division in which such person is ordinarily resident at the time of the application and to vote at the polling station established therein.” 5

**12.** Subsection (15) of section 16 of the said Act is 10 repealed and the following substituted therefor:

Persons  
residing in a  
sanatorium,  
etc.

“(15) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election, in a sanatorium, a home for the aged, a chronic hospital, or similar institution 15 for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ.”

**13.** Section 16 of the said Act is further amended by 20 adding thereto immediately after subsection (15) thereof the following subsection:

Members,  
their spouse  
and  
dependants.

“(16) A member, his spouse and dependants, shall not be deemed to have changed their place of ordinary residence solely because of such member having moved to Ottawa 25 or the surrounding area for the purpose of carrying out his Parliamentary duties.”

**14.** Subsection (9) of section 17 of the said Act is repealed and the following substituted therefor:

Receipt and  
disposal of  
copies of  
statement of  
changes and  
additions.

“(9) The returning officer shall, upon receipt of the three 30 certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule (41) of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each 35 rural polling division, pursuant to Rule (20) of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending 40 election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot boxes, one copy of the statements of

changes and additions received from the revising officers or from the rural enumerators, together with the preliminary lists, to the appropriate deputy returning officers, for use at the taking of the votes."

**15.** Subsection (12) of section 17 of the said Act is repealed and the following substituted therefor:

Issue of certificate in case of name omitted by revising officer.

"(12) If, after the sittings of the revising officer, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent pursuant to Rule (33), or by a pair of revising agents pursuant to Rule (33A), of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 21, entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate."

**16.** Subsection (18) of section 17 of the said Act is repealed and the following substituted therefor:

Penalty for obstructing enumerator or revising agent in performance of duties.

"(18) Every person who impedes or obstructs an enumerator or a revising agent in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars."

**17.** Rule (23) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 stating the following:

- (a) the numbers of the polling divisions contained in every revisal district established by him,
- (b) the name of the revising officer appointed for each revisal district,



(c) the revisal office at which the revising officer will attend for the revision of the lists of electors, and  
 (d) the days and hours therein during which the revisal office will be open,  
 and at least four days before the first day fixed for the sittings 5  
 for revision the returning officer shall mail to the same post-  
masters to whom the proclamation in Form No. 4 has been  
mailed (and in the electoral districts of Yukon and Mac-  
kenzie River advertise in the same newspapers) copies of  
the notice of revision in Form No. 14; and the returning 10  
 officer shall also transmit or deliver five copies of the notice  
of revision in Form No. 14 to every candidate officially  
 nominated at the pending election in the electoral district,  
 and, at the discretion of the returning officer, to every other  
 person reasonably expected to be so nominated or to his 15  
 representative."

**18.** Schedule A to section 17 of the said Act is further amended by adding thereto, immediately after Rule (23) the following Rules (23A) and (23B):

"Rule (23A). The returning officer shall at the same time 20  
 as he mails the notice of revision as required by Rule (23)  
 notify in writing each postmaster of the provisions of Rule  
 (23B)."

"Rule (23B). Every postmaster shall, forthwith after  
 receipt of a copy of the notice of revision in Form No. 14 25  
 post it up in some conspicuous place within his office to  
 which the public has access and maintain it posted there  
 until the time fixed for the revision of the lists of electors  
 has passed, and failure to do so is ground for his dismissal  
 from office; and for the purposes of this provision such post- 30  
 master shall be deemed an election officer and liable as  
 such."

**19.** Clause (b) of Rule (27) of Schedule A to section 17  
 of the said Act is repealed and the following substituted  
 therefor: 35

"(b) sworn applications made by agents on Forms Nos. 17  
 and 18, or by revising agents on Forms Nos. 17A and  
18A, on behalf of persons claiming the right to have  
their names included in the official list of electors,  
pursuant to Rule (33) or Rule (33A); and" 40

**20.** Schedule A to section 17 of the said Act is further  
 amended by adding thereto immediately after Rule (33)  
 thereof the following Rule:

*“Rule (33A). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration, a sworn application made by two revising agents, in Form No. 17A exhibiting an application in Form No. 18A, signed by the person who desires to be registered as an elector; the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer’s record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached.”*

**21.** Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (34) thereof the following Rule:

*“Rule (34A). If the revising officer entertains a doubt as to whether any application for registration, as mentioned in Rule (33A), should be allowed, he shall not accept such application and in such case the revising officer shall, not later than Saturday, the sixteenth day before polling day, transmit, by registered mail, to the applicant, at his address as given in his application in Form No. 18A, a Notice in Form No. 16A advising the person mentioned in such application that he may appear personally before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name entered on the appropriate official list of electors; if such person answers to the satisfaction of the revising officer all relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer’s record sheets as an accepted application for registration in the official list of electors of the polling division where such person resides.”*

**22.** Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

*“Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, or where under Rule (34A) a notice in Form No. 16A has been sent to an applicant, the revising*

officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections and of all applications in Form No. 18A of which he has so given 5 notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

**23.** Rules (40) and (41) of Schedule A to section 17 of the said Act are repealed and the following substituted 10 therefor:

"*Rule (40).* The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and 15 additions for each candidate officially nominated at the pending election in the electoral district and three copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any 20 polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form and by completing the said form in every other respect. 25

"*Rule (41).* Upon the completion of the foregoing requirements, and not later than Wednesday, the twelfth day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the electoral district the five copies, and 30 to the returning officer the three copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the 35 duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and by revising agents in Forms Nos. 17A and 18A, respectively, and all other documents in his possession 40 relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

**24.** Schedule A to section 17 of the said Act is further amended by adding thereto immediately after Rule (41) the following Rules: 45



*Rule (42).* For each urban revisal district the returning officer shall, on Friday, the twenty-fourth day before polling day, appoint in writing in Form No. 5A two persons to act as revising agents therein, and shall require each of such persons to take an oath in Form No. 6A that he will act faithfully in the capacity of revising agent without partiality, fear, favour or affection and in every respect according to law; each revising agent so appointed shall be a person qualified as an elector in the electoral district. 5

*Rule (43).* The returning officer shall, as far as possible, select and appoint the two revising agents of each urban revisal district so that they shall represent two different and opposed political interests. 10

*Rule (44).* At least five days before he proposes to appoint the persons who are to act as revising agents as aforesaid, the returning officer shall 15

(a) in an electoral district the urban areas of which have not been altered since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes; such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as revising agent for every urban revisal district comprised in the electoral district, and, except as provided in Rule (45), the returning officer shall appoint such persons to be revising agents for the revisal districts for which they have been nominated; and 20 25 30

(b) in an electoral district returning two members and in an electoral district, the urban areas of which have been altered since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (a) of this Rule is not available to nominate revising agents or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the Chief Electoral Officer, determine which candidates or persons are entitled to nominate revising agents, and then proceed with the appointment of such revising agents as above directed. 35 40 45

*Rule (45).* If the returning officer deems that there is good cause for his refusing to appoint any person so nominated, he shall so notify the nominating candidate or his representative, who may within twenty-four hours thereafter nominate a substitute to whom the provisions of Rule (43), and of this Rule, shall apply; if no substitute is nominated as aforesaid, or if the returning officer deems there is good cause for his refusing to appoint any person thus nominated as a substitute, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint to any necessary extent. 5 10

*Rule (46).* If either of the candidates or persons entitled to nominate revising agents fail to nominate a fit and proper person for appointment as revising agent for any urban revisal district comprised in the electoral district, the returning officer shall, subject to the provisions of Rule (43), himself select and appoint revising agents to any necessary extent. 15

*Rule (47).* The two revising agents appointed for each urban revisal district shall act jointly and not individually; they shall report forthwith to the returning officer who appointed them the fact and the details of any disagreement between them; the returning officer shall decide the matter of difference and shall communicate his decision to the revising agents; they shall accept and apply it as if it had been originally their own; the returning officer may at any time replace any revising agent appointed by him by appointing, subject to the provision of Rule (43), another revising agent to act in the place and stead of the person already appointed, and any revising agent so replaced shall, upon request in writing signed by the returning officer, deliver or give up to the subsequent appointee or to any other authorized person, any election documents, papers and written information which he has obtained for the purpose of the performance of his duties; and on default he is guilty of an offence punishable on summary conviction as in this Act provided. 20 25 30 35

*Rule (48).* Each pair of revising agents, after taking their oaths as such, shall, commencing on Friday, the twenty-fourth day before polling day, and up to and including Saturday, the sixteenth day before polling day, when so directed by the returning officer, visit any place in an urban polling division the returning officer may make known to them; if at such place there is found to be any person who is a qualified elector and whose name has not been included in the appropriate urban list of electors prepared for the pending election, that person may complete Form No. 18A and 40 45

if such a person does complete Form No. 18A the revising agents shall then jointly complete Form No. 17A and present such completed forms to the appropriate revising officer during such times as he may be sitting as provided in Rule (26).

5

*Rule (49).* On the day upon which the sittings for the revision of the lists of electors in urban polling divisions commence, the revising agents shall present to the appropriate revising officer any completed applications in Forms Nos. 17A and 18A in their possession; on each of the two succeeding days upon which the revising officer is sitting, the revising agents shall present such further applications in Forms Nos. 17A and 18A as may be completed.

10

*Rule (50).* During the first three days of the sittings for the revision of the lists of electors in urban polling divisions, the revising officer may direct the pair of revising agents appointed for his revisal district to proceed in the same manner as provided in Rule (48)."

15

**25.** Paragraph (e) of subsection (1) of section 20 of the said Act is repealed and the following substituted therefor:

20

"(e) every person holding the office of sheriff, clerk of the peace or county Crown Attorney during the time he is holding such office;"

**26.** (1) Subsection (5) of section 21 of the said Act is repealed and the following substituted therefor:

25

Form of  
nomination.

"(5) Any twenty-five or more electors qualified to vote in an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form No. 27 stating therein such particulars of the name, address and occupation of each person proposed as sufficiently to identify such candidate, and also stating therein the address of the candidate for service of process and papers under this Act and under the *Dominion Controverted Elections Act*, together with the name, address and occupation of his official agent, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section."

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35

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(2) Paragraph (b) of subsection (10) of section 21 of the said Act is repealed and the following substituted therefor:

Deposit by  
candidate.

"(b) a deposit of two hundred dollars in legal tender or a cheque made payable to the Receiver General of Canada for that amount drawn upon and accepted by any chartered bank doing business in Canada."

45



**27.** Subsection (1) of section 22 of the said Act is repealed and the following substituted therefor:

Withdrawal  
of candidates.

“**22.** (1) Any candidate officially nominated may withdraw at any time after his nomination, but not later than eight o'clock in the forenoon on Thursday the eleventh day before polling day, by filing in person with the returning officer a declaration in writing to that effect signed by himself and attested by the signatures of two qualified electors in the electoral district, and any votes cast for the candidate who has so withdrawn are null and void; the deposit of a candidate so withdrawing shall be forfeited.” 5

**28.** Subsection (5) of section 31 of the said Act is repealed and the following substituted therefor:

Hours of  
polling.

“(5) The poll shall be opened at the hour of eight o'clock in the forenoon and kept open until seven o'clock in the afternoon of the same day, and each deputy returning officer shall, during that time, in the polling station assigned to him, receive in the manner hereinafter prescribed the votes of the electors duly qualified to vote at such polling station.” 15

**29.** Subsection (2) of section 38 of the said Act is repealed. 20

**30.** Section 40 of the said Act is amended by adding the following subsection thereto:

When elector  
refuses to  
take improper  
oath.

“(3) If an elector is asked to take an oath or affirmation not prescribed by this Act and he refuses, he may appeal to the returning officer, and if, after consultation with the deputy returning officer or the poll clerk of the appropriate polling station, the returning officer decides that such oath or affirmation was not in fact prescribed by this Act, he shall direct that such elector be again admitted to the poll and that he be allowed to vote, provided that the elector is otherwise qualified to vote.” 25 30

**31.** Section 42 of the said Act is amended by striking out the word “and” at the end of paragraph (c) thereof, by adding the word “and” at the end of paragraph (d) thereof and by adding thereto the following paragraph: 35

“(e) enter in the poll book the words “Readmitted and allowed to vote” opposite the name of each elector readmitted on the direction of the returning officer.”

**32.** Subsection (14) of section 45 of the said Act is repealed and the following substituted therefor:

Voting by  
qualified  
elector who  
is a bedridden  
patient in a  
sanatorium,  
etc.

“(14) Whenever a polling station has been established in a sanatorium, a home for the aged, a chronic hospital, or similar institution for the care and treatment of tuberculosis

or other chronic diseases, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary in accordance with subsections (7) and (8).”

**33.** Subsections (1), (2) and (3) of section 49 of the said Act are repealed and the following substituted therefor:

Strangers not to enter polling districts armed.

“**49.** (1) Except the returning officer, the deputy returning officer, the poll clerk, and the constables and special constables appointed by the returning officer or the deputy returning officer for the orderly conduct of the election or poll and the preservation of the public peace thereat, no person who has not had a stated residence in the polling division for at least six months next before the day of such election shall come during any part of the day upon which the poll is to remain open into such polling division armed with offensive weapons of any kind, and no person being in such polling division shall arm himself, during any part of the day, with any such offensive weapon, and, thus armed, approach within half a mile of the place where the poll of such polling division is held, unless called upon so to do by lawful authority.

Demand that weapons be delivered up.

(2) The returning officer or deputy returning officer may, during the nomination day and polling day at any election, require any person within half a mile of the place of nomination or of the polling station to deliver to him any offensive weapon in the hands or personal possession of such person and the person so required shall forthwith so deliver.

Loud speakers, ensigns, banners, etc., prohibited on polling day.

(3) No person shall furnish or supply any loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, to any person with intent that it shall be carried, worn or used on automobiles, trucks or other vehicles, as political propaganda, on the ordinary polling day; and no person shall, with any such intent, carry, wear or use, on automobiles, trucks or other vehicles, any such loud speaker, bunting, ensign, banner, standard or set of colours, or any other flag, on the ordinary polling day.”

**34.** Subsection (1) of section 54 of the said Act is repealed and the following substituted therefor:

Application  
to a judge  
for recount.

"**54.** (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of two hundred and fifty dollars in legal tender as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit."

**35.** Paragraph (b) of subsection (3) of section 60 of the said Act is repealed and the following substituted therefor:

By separate  
cheques in  
other cases.

"(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising agents, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment; and"

**36.** Subsection (7) of section 62 of the said Act is repealed and the following substituted therefor:

Bill of  
particulars.

"(7) Every payment made by or through an official agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election, shall, except where less than twenty-five dollars, be vouched for by a bill stating the particulars and by a receipt."

**37.** Section 66 of the said Act is amended by adding thereto the following subsection:

Official agent  
may furnish  
refreshment.

"(2) Subsection (1) does not apply to

(a) an official agent who, as an election expense, provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election; or



Furnishing of refreshment by other persons.

- (b) any person other than an official agent who at his own expense provides food such as sandwiches, cakes, cookies, and drink such as tea, coffee, milk or soft drinks at a meeting of electors assembled for the purpose of promoting the election of a candidate during an election.” 5

**38.** Subsection (3) of section 70 of the said Act is repealed.

**39.** Section 71 of the said Act is repealed and the following substituted therefor: 10

Printed documents to bear name, etc., of printer.

“**71.** Every printed advertisement, handbill, placard, poster or dodger having reference to any election shall bear the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears such name and address is guilty of an offence against this Act punishable on summary conviction as provided in this Act, and if he is a candidate or the official agent of a candidate is further guilty of an illegal practice.” 15 20

**40.** Section 73 of the said Act is repealed.

**41.** Section 80 of the said Act is repealed and the following substituted therefor:

Disqualification for corrupt act.

“**80.** Any person who during an election is guilty of an offence which is a corrupt practice or an illegal practice shall *ipso facto* become disqualified from voting and incompetent to vote at such election.” 25

**42.** Paragraph (b) of section 81 of the said Act is repealed and the following substituted therefor:

“(b) is before any competent court convicted of having committed at an election any offence which is a corrupt practice or illegal practice; or” 30

**43.** Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

Candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge.

“**82.** (1) No candidate shall on the trial of any election petition be reported by the trial judges to the Speaker of the House of Commons as having been found guilty of any corrupt practice or any illegal practice, or before any court be convicted of having committed at an election any offence that is a corrupt practice or an illegal practice, or in any other proceeding be found guilty of any corrupt practice or illegal practice or of any offence which is a corrupt practice 35 40

or an illegal practice, unless the thing omitted or done the omission or doing of which constitutes the corrupt practice or illegal practice was omitted or done by

- (a) the candidate in person;
- (b) his official agent; or
- (c) some other agent of the candidate with the candidate's actual knowledge and consent."

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**44.** Section 86 of the said Act is repealed.

**45.** Subsection (1) of section 90 of the said Act is repealed and the following substituted therefor:

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In a suit for criminal corrupt practice, what allegation sufficient.

"**90.** (1) In an indictment or prosecution for a corrupt practice or an illegal practice, it is sufficient to allege that the defendant was, at the election at or in connection with which the offence is intended to be alleged to have been committed, guilty of a corrupt practice or an illegal practice, describing it by the name given to it by this Act, or otherwise, as the case requires."

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**46.** Sections 94 to 99 of the said Act are repealed and the following substituted therefor:

Establishment of advance polling districts.

"**94.** (1) The returning officer shall,

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- (a) in urban areas, establish an advance polling district in each revisal district; and
- (b) in rural areas, group together the rural polling divisions into advance polling districts, each to contain such number of rural polling divisions as may be necessary to ensure that every rural polling division is included in an advance polling district.

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Establishment of advance polling stations.

(2) In urban areas, an advance polling station shall be established in each advance polling district, and in rural areas, an advance polling station shall be established in every city, town or village having a population of one thousand or more.

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Combining urban advance polling districts.

(3) When a request is made to the returning officer not later than ten days after a writ has been issued for an election, he may, with the prior permission of the Chief Electoral Officer, combine any two urban advance polling districts in his electoral district.

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Urban and rural polling divisions may be amalgamated.

(4) Where there is a small number of urban polling divisions in an advance polling district, the returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, include in such advance polling district any rural polling divisions which it is considered desirable to so include.

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Request for  
advance  
polling  
station.

(5) Any request for the establishment of advance polling stations in places not specifically provided for in subsection (2) shall be made to the returning officer not later than ten days after a writ has been issued for an election and he may, with the prior permission of the Chief Electoral Officer, make provision for the establishment of advance polling stations at such places. 5

Advance  
polls con-  
ducted as  
ordinary  
polls.

(6) Except as provided in this section and in sections 96 to 98, advance polls shall be held, conducted and officered in the same manner as ordinary polling stations, and shall be regarded as such for all purposes of this Act. 10

When  
advance  
polls to be  
open.

(7) Advance polls shall be open between the hours of eight o'clock in the forenoons and eight o'clock in the afternoons of Saturday and Monday, the ninth and seventh days before the ordinary polling day, and shall not be open at any other time. 15

Notice in  
Form No. 65.

(8) The returning officer shall, after nomination day and not later than Wednesday, the twelfth day before the ordinary polling day,

(a) give a public notice in the electoral district of the advance poll, in Form No. 65, setting out 20

(i) the numbers of the polling divisions comprised in every advance polling district established by him,

(ii) the location of each advance polling station, 25

(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at such polling station, and

(iv) that the counting referred to in subparagraph (iii) shall take place at nine o'clock in the afternoon of the ordinary polling day; 30

(b) mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; and 35

(c) notify each postmaster in writing of the provisions of subsection (9) when he sends the notice.

To be posted  
up.

(9) Upon receiving a notice described in subsection (8), a postmaster shall post it up in some conspicuous place in his post office to which the public has access and keep it so posted until the time fixed for the closing of the polls on the ordinary polling day has passed, and failure to do so is ground for his dismissal from office, and for the purpose of this provision the postmaster shall be deemed to be an election officer and liable as such. 40 45

Postmaster  
election  
officer.



Who may  
vote at  
advance  
polls.

**95.** Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district who has reason to believe that he will be absent from and unable to vote in such polling division on the ordinary polling day at a pending election may vote at the advance polling station established in such district if, before casting his vote, he takes and subscribes to an affidavit for voting at an advance poll, in Form No. 66, before the deputy returning officer of such advance polling station. 5

Duties of  
deputy  
returning-  
officer  
respecting  
affidavits  
for voting at  
an advance  
poll.

**96.** (1) The deputy returning officer, upon being satisfied that a person who applies to vote at an advance polling station is a person whose name appears on the list of electors prepared for a polling division comprised in the advance polling district, shall 10

- (a) fill in the affidavit for voting at an advance poll, in Form No. 66, to be taken and subscribed to by the person so applying, 15
- (b) allow such person to take and subscribe to such affidavit before him,
- (c) complete the attestation clause on such affidavit, 20
- (d) consecutively number each such affidavit in the order in which it was taken and subscribed to, and
- (e) direct the poll clerk to keep a record, called the "Record of Completed Affidavits for Voting at an Advance Poll" on the form prescribed by the Chief Electoral Officer, of very such affidavit in the order in which it was taken and subscribed to. 25

Person  
who takes  
affidavit  
allowed to  
vote.

(2) After a person who applies to vote at an advance polling station has taken and subscribed to the affidavit referred to in subsection (1), he shall be allowed to vote, unless an election officer or any agent of a candidate present at the advance poll desires that he take an oath, in Form No. 41, or, in the case of urban polling divisions, that he take and subscribe to an affidavit, in Form No. 42, and he refuses. 30

Exception.

No poll  
book kept,  
but notations  
to be made  
on affidavit.

(3) There shall be no poll book supplied to or kept at an advance poll, but the poll clerk at the advance poll shall, under the direction of the deputy returning officer, preserve each completed affidavit for voting at an advance poll, in Form No. 66, and mark thereon such notations as he would be required by this Act to mark opposite the elector's name in the poll book at an ordinary polling station. 35 40

Record of  
Completed  
Affidavits  
for Voting at  
an Advance  
Poll.

(4) The poll clerk shall, immediately after an affidavit for voting at an advance poll, in form No. 66, has been completed, enter in the Record of Completed Affidavits for Voting at an Advance Poll the name, occupation and address of the elector who completed the affidavit and the number of the polling division appearing in the affidavit. 45

Elector  
subscribing  
to affidavit  
not to vote  
on ordinary  
polling day.

Examining  
and sealing  
of ballot  
box.

Re-opening  
of advance  
poll.

Proceedings  
at close  
of advance  
poll each  
day of  
voting.

(5) No elector who has taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, is entitled to vote on the ordinary polling day.

97. (1) At the opening of an advance poll at eight o'clock in the forenoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present, 5

(a) open the ballot box and ascertain that there are no ballot papers or other papers or material contained therein, 10

(b) lock and seal the ballot box with a special metal seal prescribed by the Chief Electoral Officer, and

(c) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on such day of voting. 15

(2) At the re-opening of the advance poll at eight o'clock in the forenoon of the second day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, 20

(a) unseal and open the ballot box, leaving the special envelope or envelopes containing the ballot papers spoiled or cast on the first day of voting unopened in the ballot box, 25

(b) take out and open the special envelope containing the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No 66, and

(c) lock and seal the ballot box and place it upon the table, as prescribed in subsection (1). 30

(3) At the close of the advance poll at eight o'clock in the afternoon of each of the two days of voting, the deputy returning officer shall, in full view of such of the candidates, their agents or the electors representing the candidates as are present, 35

(a) unseal and open the ballot box;

(b) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such ballot papers; 40

(c) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal such envelope and indicate on such envelope the number of such spoiled ballot papers; and 45

Affixing of  
signatures  
and special  
metal seal.

(d) count the unused ballot papers and the completed affidavits for voting at an advance poll, in Form No. 66, and place them in the special envelope supplied for that purpose, seal such envelope with a gummed paper seal prescribed by the Chief Electoral Officer and indicate on such envelope the number of such unused ballot papers and completed affidavits. 5

Custody of  
ballot box.

(4) The deputy returning officer and the poll clerk shall, and such of the candidates, their agents or the electors representing the candidates as are present may, affix their signatures on the gummed paper seals affixed to the special envelopes previously referred to in this section before such envelopes are placed in the ballot box, whereupon the deputy returning officer shall lock and seal the ballot box, as prescribed in subsection (1). 10 15

Collecting of  
Record of  
Completed  
Affidavits for  
Voting at an  
Advance  
Poll.

(5) In the intervals between voting hours at the advance poll and until nine o'clock in the afternoon of the ordinary polling day, the deputy returning officer shall keep the ballot box in his custody, locked and sealed in the manner prescribed in subsection (1), and such of the candidates, their agents or the electors representing the candidates as are present at the close of the advance poll on each of the two days of voting, may, if they so desire, take note of the serial number embossed on the special metal seal used for locking and sealing the ballot box, and may again take note of such serial number at the re-opening of the advance poll on the second day of voting and at the counting of the votes in the evening of the ordinary polling day. 20 25

Count of  
votes on the  
ordinary  
polling day.

(6) As soon as possible after the close of advance polls at eight o'clock in the afternoon of Monday, the seventh day before the ordinary polling day, the returning officer shall cause to be collected the Record of Completed Affidavits for Voting at an Advance Poll in the most expeditious manner available from the deputy returning officer of every advance polling district established in his electoral district. 30 35

(7) The deputy returning officer shall, at nine o'clock in the afternoon of the ordinary polling day, attend with his poll clerk at the place mentioned in the Notice of Holding of Advance Poll, in Form No. 65, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer. 40 45 50



Provisions applicable to advance polls.

Striking from lists of electors names of persons who have voted at advance polls.

Where lists of electors have been distributed to ordinary polling stations.

Name inadvertently struck off.

Returning officer to transmit copy of Record of Completed Affidavits for Voting at an Advance Poll to candidates.

Offences and penalties respecting advance polls.

(8) Subject to sections 94 to 98, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls.

**98.** (1) As soon as the returning officer has collected the Records of Completed Affidavits for Voting at an Advance Poll pursuant to subsection (6) of section 97, and before the lists of electors are placed in the ballot boxes to be distributed to ordinary polling stations, he shall strike off such lists the names of all electors appearing in such records. 5

(2) If the ballot boxes have been distributed to the ordinary polling stations, the returning officer shall notify each deputy returning officer concerned by the best means available of the names of the electors appearing in the Record of Completed Affidavits for Voting at an Advance Poll that are on the list of electors for his polling station and shall instruct him to strike those names off such list, and each deputy returning officer so instructed shall forthwith comply with those instructions. 10 15

(3) If, in complying with subsections (1) and (2), the name of an elector is inadvertently struck off a list of electors, the elector concerned shall be allowed to vote on the ordinary polling day upon taking the oath, in Form No. 41, after the deputy returning officer or the poll clerk has communicated with the returning officer to ascertain if such a mistake has really been made. 20 25

(4) The returning officer shall, not later than Wednesday, the fifth day before the ordinary polling day, transmit a copy of each Record of Completed Affidavits for Voting at an Advance Poll collected by him pursuant to subsection (6) of section 97 to each candidate officially nominated in his electoral district. 30

**99.** Every person who, corruptly,

- (a) makes before a deputy returning officer a false declaration in the affidavit for voting at an advance poll, in Form No. 66; 35
- (b) after having taken and subscribed to an affidavit for voting at an advance poll, in Form No. 66, vote or attempts to vote at an advance poll other than the one where such affidavit was taken and subscribed to or at a poll on the ordinary polling day; or 40
- (c) in any other manner contravenes any provision of sections 94 to 97;

is guilty of an offence against this Act punishable on summary conviction as provided in this Act."

**47.** (1) Paragraphs (h) and (i) of subsection (1) of section 100 of the said Act are repealed.

(2) Subsection (2) of section 100 of the said Act is repealed and the following substituted therefor:

Qualifications  
as electors  
of election  
officers.

"(2) No person shall be appointed returning officer, 5  
election clerk, deputy returning officer, poll clerk, enumerator,  
revising agent or revising officer unless he is a person  
qualified as an elector in the electoral district within which  
he is to act."

**48.** Section 101 of the said Act is repealed and the 10  
following substituted therefor:

Political  
broadcasts  
forbidden.

"**101.** (1) No person shall be allowed to broadcast  
a speech or any entertainment or advertising program  
over the radio, on the ordinary polling day and on the  
two days immediately preceding it, in favour or on behalf 15  
of any political party or any candidate at an election.

No broad-  
casts outside  
of Canada.

(2) Every person who, with intent to influence persons  
to give or refrain from giving their votes at an election,  
uses, aids, abets, counsels or procures the use of any broad-  
casting station outside of Canada, during an election, for 20  
the broadcasting of any matter having reference to an  
election, is guilty of an illegal practice and of an offence  
against this Act punishable on summary conviction as  
provided in this Act.

Idem.

(3) Where a candidate, his official agent or any other 25  
person acting on behalf of the candidate with the candidate's  
actual knowledge and consent, broadcasts outside of  
Canada a speech or any entertainment or advertising  
programme during an election, in favour or on behalf of  
any political party or any candidate at an election, the 30  
candidate is guilty of an illegal practice and an offence  
under this Act punishable on summary conviction as  
provided in this Act.

Definition of  
"broadcast".

(4) In this section "broadcast" has the same meaning  
as "broadcasting" in the Broadcasting Act."

49. Forms Nos. 3 and 4 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 3.

APPOINTMENT AND OATH OF AN ELECTION CLERK. (Sec. 9.)

APPOINTMENT.

To (*insert name of election clerk*), whose occupation is (*insert occupation*) and whose address is (*insert address*).

Know you that, in my capacity of returning officer for the electoral district of ..... I do hereby appoint you to be my election clerk, to act in that capacity for the said electoral district. 5

Given under my hand at ....., this ..... day of ....., 19..... 10

.....  
*Returning Officer.*

OATH OF THE ELECTION CLERK. (Sec. 9.)

I, the undersigned (*insert name of election clerk*), appointed election clerk for the electoral district of ....., do swear (or solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my said capacity as election clerk, or in that of returning officer if required to act as such, according to law, without partiality, fear, favour or affection. So help me God. 15

.....  
*Election Clerk.*



CERTIFICATE OF ELECTION CLERK HAVING  
TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that, on the.....  
day of ....., 19...., (*insert name of election  
clerk*), election clerk for the electoral district of.....  
took and subscribed before me the oath (*or affirmation*) of  
office required in such case of an election clerk by section 9 5  
of the *Canada Elections Act*.

In testimony whereof I have delivered to him this cer-  
tificate under my hand.

.....  
*Returning Officer.*  
(*or as the case may be*) 10

FORM No. 4.

PROCLAMATION. (Sec. 18.)

Electoral district of..... }  
Province of..... } To Wit:

Pursuant to Her Majesty's writ bearing date the.....  
day of ....., 19...., I am commanded to cause  
an election to be held according to law of a member (*or two* 15  
members) to serve in the House of Commons of Canada for  
the above mentioned electoral district, and I accordingly  
give public notice:

That I am now prepared to receive nominations of candi-  
dates at such election and shall attend specially to receive 20  
such nominations at (*describe the place at which the returning  
officer will attend to receive nominations*), in the Town (*or*  
*City or Village*) of.....,  
on the (*insert the date fixed as nomination day*) day of.....  
....., 19...., from noon until two o'clock in the 25  
afternoon, after which said last mentioned hour no further  
nominations of candidates will be received.

And that in case a poll is demanded and granted in the  
manner by law prescribed, such poll will be held on the  
(*insert the date fixed as polling day*) day of....., 30  
19...., between the hours of eight o'clock in the forenoon  
and seven o'clock in the afternoon, at places of which I shall  
subsequently give notice.

And that in case a poll is held, I shall at.....  
o'clock in the.....noon, on the (*insert the date*  
*fixed for the official addition of the votes*) day of....., 5  
19...., at (*describe the place at which the votes will be officially*  
*added up*), in the Town (or City or Village) of....., 5  
open the ballot boxes, add up the votes reported in the  
statements of the poll as having been cast for the several  
candidates, and declare the name of the candidate who has  
obtained the largest number of such votes.

And that (*the wording of this paragraph will be altered to* 10  
*suit the circumstances*) the territory comprised in the City  
(or Town, or as the case may be) of.....will be  
urban polling divisions for which the lists of electors will be  
prepared and revised under the rules set forth in Schedule A  
to section 17 of the *Canada Elections Act*, and that the 15  
territory comprised in the remainder of the electoral district  
will be rural polling divisions for which the lists of electors  
will be prepared and revised under the rules set forth in  
Schedule B to the said section 17.

And that I have established my office for the conduct of 20  
the above mentioned election at (*describe location of the*  
*returning officer's office*).

Of which all persons are hereby required to take notice  
and to govern themselves accordingly.

Given under my hand at....., 25  
this.....day of....., 19....

(*Print name of returning officer*)  
*Returning Officer."*

**50.** Schedule One to the said Act is further amended by adding thereto immediately after Form No. 5 thereto the following Form:

“FORM No. 5A.

### APPOINTMENT OF REVISING AGENT.

(Sec. 17, Sched. A, Rule 42.)

To (*insert name of revising agent*), whose address is (*insert address*).

5

Know you that, in pursuance of the *Canada Elections Act*, I, the undersigned, in my capacity of returning officer for the electoral district of ....., do hereby appoint you revising agent for urban revisal district No. .... of the said electoral district.

10

Give under my hand at ....., this..... day of ....., 19 .....

.....  
*Returning Officer.”*

**51.** Form No. 6 of Schedule One to the said Act is repealed and the following substituted therefor:

15

“FORM No. 6.

### OATH OF OFFICE OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned, appointed enumerator for polling division No. .... of the electoral district of ....., do swear (*or solemnly affirm*) that I am qualified as an elector in the said electoral district and that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection. So help me God.

20

.....  
*Enumerator.*

### CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, do hereby certify that on the..... day of ....., 19...., the enumerator above named subscribed before me the above set forth oath (*or 25 affirmation*) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
*Returning Officer or Postmaster*  
(*or as the case may be*)”

30



**52.** The said Schedule One is further amended by adding thereto immediately after Form No. 6 thereto the following Form:

“FORM No. 6A.

OATH OF OFFICE OF REVISING AGENT.

(Sec. 17, Sched. A, Rule 42.)

I, the undersigned, appointed revising agent for urban  
revisal district No. .... of the electoral district of..... 5  
....., do swear (*or* solemnly affirm) that I  
am qualified as an elector in the said electoral district and  
that I will act faithfully in my said capacity of revising  
agent, without partiality, fear, favour or affection. So  
help me God. 10

.....  
*Revising Agent.*

CERTIFICATE OF THE REVISING AGENT HAVING  
TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the.....  
day of....., 19....., 15  
the revising agent above named subscribed before me the  
above set forth oath (*or* affirmation) of office.

In testimony whereof I have issued this certificate under  
my hand.

.....  
*Returning Officer or Postmaster*  
(*or as the case may be*)”

**53.** Forms Nos. 13, 14 and 15 of Schedule One to the 20  
said Act are repealed and the following substituted therefor:

“FORM No. 13.

OATH OF A SUBSTITUTE REVISING OFFICER.

(Sec. 17, Sched. A, Rule 18.)

I, the undersigned.....  
(*Insert name of substitute revising officer*)  
appointed substitute revising officer for revisal district  
No. .... in the electoral district of..... 25  
....., do swear (*or* solemnly affirm) that I am  
qualified as an elector in the said electoral district and  
that I will act faithfully in my said capacity of substitute  
revising officer, without partiality, fear, favour or affection,  
and in every respect according to law. So help me God. 30

.....  
*Substitute Revising Officer.*

# CERTIFICATE OF OATH OF THE SUBSTITUTE REVISING OFFICER.

I, the undersigned, do hereby certify that on the..... day of....., 19....., the substitute revising officer above named made and subscribed before me the above set forth oath (or affirmation).

In testimony whereof I have issued this certificate under my hand. 5

Judge of the..... Court  
or.....  
(as the case may be)''

FORM No. 14.

## NOTICE OF REVISION. (Sec. 17, Sched. A, Rule 23.)

Electoral district of..... 10

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday and Saturday, the..... 15  
..... and..... days of....., 19....., (*Insert the dates of the 18th, 17th and 16th days before polling day*) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the 20  
undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos.....of the above mentioned 25  
electoral district, the sittings for revision will be held at (*Insert exact location of the revisal office*) before (*Insert full name of revising officer*) who has been appointed revising officer.

(*Proceed as above in respect of any other revisal district.*) 30

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Thursday and Friday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications 35  
as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT, during the sittings for revision on the Thursday, Friday and Saturday aforesaid, the revising officer shall dispose of the following applications:

- (a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the *Canada Elections Act*; 5
- (b) sworn applications made by agents on Forms Nos. 17 and 18, or by revising agents on Forms Nos. 17A and 18A, of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) or Rule (33A) of Schedule A to section 17 of the said Act; and 10
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act. 15

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of. 20

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until ten o'clock in the evening of each of these days. 25

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (*Insert location of office of returning officer*). 30

NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the ..... day of ....., 19..., (*Insert the date of the thirteenth day before polling day*) at the same place and times as the sittings for revision on the Thursday, Friday and Saturday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in Form No. 15 of the said Act to the retention of names on 45



the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (28) of Schedule A to section 17 of the said Act.

Given under my hand at . . . . ., this. . . . . 5  
day of . . . . ., 19 . . . . .

. . . . .  
(Print name of returning officer)  
Returning Officer.

FORM No. 15.

AFFIDAVIT OF OBJECTION.  
(Sec. 17, Sched. A, Rule 28.)

Electoral district of . . . . .

Revisal district No. . . . . 10

I, the undersigned, . . . . . whose address  
is . . . . ., and whose occupation is . . . . .,  
do swear (*or solemnly affirm*):

1. That I am the person described on the preliminary list  
of electors prepared for use at the pending election, for 15  
urban polling division No. . . . ., comprised in the above  
mentioned revisal district, and that my address and occupa-  
tion, as given in the said preliminary list, are as set out  
above.

2. That there has been included in the preliminary list of 20  
electors prepared for use at the pending election, for urban  
polling division No. . . . ., comprised in the said revisal  
district, the name of (*name as on preliminary list*), whose  
address is given as (*address as on preliminary list*), and  
whose occupation is given as (*occupation as on preliminary* 25  
*list*).

3. That I know of no other address at which the said  
person is more likely to be reached than that so stated on  
the said preliminary list, except (*give alternative or better*  
*address, if one is known*). 30

4. And that I have good reason to believe and do verily  
believe that the name, address, and occupation mentioned  
in paragraph 2 of this affidavit should not appear on the

said preliminary list because the person described by the said entry (*insert the ground of disqualification as hereinafter directed*).

Sworn (or affirmed) before me

at.....,

this.....day of.....,

19.....

.....

*Revising Officer.*

}

(*Signature of deponent*)

5

*Grounds of disqualification which may be set out in paragraph 4 of the Affidavit of Objection in Form No. 15 of the Canada Elections Act.*

10

- (1) "Is dead."
  - (2) "Is not known to exist."
  - (3) "Is not qualified to vote because he is not of the full age of twenty-one years or will not attain such age on or before polling day at the pending election."
  - (4) "Is not qualified to vote because he is not a Canadian citizen or other British subject."
  - (5) "Is not qualified to vote because he is a British subject other than a Canadian citizen and has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."
  - (6) "Is not qualified to vote because he was not ordinarily resident in this electoral district on the .....day of ....., 19..... (*naming the date of the issue of the writ ordering the pending election*)."
  - (7) "Is not qualified to vote because he is (*naming any other class of disqualified persons to which the person objected to belongs, as prescribed in section 14, 15 or 16 of the Canada Elections Act*)."
  - (8) "Has, to my knowledge, been included in the preliminary list of electors prepared for use at the pending election for polling division No. .... of this electoral district in which he ordinarily resides."

20  
25  
30  
35

**54.** The said Schedule One is further amended by adding thereto immediately after Form No. 16 thereto the following Form:

“FORM No. 16A.

NOTICE TO APPLICANT BY REVISING OFFICER.  
(Sec. 17, Sched. A, Rule 34A.)

Electoral district of .....

Revisal district No. .... 5

To (*set out names, address and occupation of the person as these appear on the application in Form No. 18A*).

As it appears to me that (*insert the ground of disqualification as hereinafter directed*),

Take notice that you may appear before me in person 10 during my sittings for revision which will be held at No. .... street, in the City (or Town) of ..... on Tuesday, the ..... day of ..... 19...., (*insert the date of the thirteenth day before polling day*) where I may be found from ten o'clock until eleven o'clock in 15 the forenoon and from seven o'clock until ten o'clock in the evening, for the purpose of establishing your right, if any, to have your name entered in the official list of electors of the polling division where you reside.

This notice is given pursuant to Rule (34A) of Schedule A 20 to section 17 of the *Canada Elections Act*.

Dated at ....., this ..... day of ..... 19 .....

.....  
*Revising Officer.*

Note.—If the person to whom this notice is addressed does 25 not appear before the revising officer his name will not be added to the official list of electors.

*Grounds of disqualification which may be set out in the Notice to Applicant by Revising Officer in Form No. 16A of the Canada Elections Act.* 30

(1) “You are not a qualified elector in the electoral district.”

(2) “Your application in Form No. 18A has not been properly completed.”



55. Form No. 17 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 17.

SWORN APPLICATION TO BE MADE BY THE  
AGENT OF AN ELECTOR.  
(Sec. 17, Sched. A, Rule 33.)

Electoral district of.....  
To the Revising Officer for Revisal District No.....  
comprised in the above mentioned electoral district. 5

I, the undersigned, (*insert name, address and occupation of agent*), do swear (*or solemnly affirm*):

1. That I am a qualified elector of the above mentioned electoral district and that my name properly appears on the preliminary list of electors for polling division No. .... 10  
of the said electoral district.

2. That pursuant to the provisions of Rule (33) of Schedule A to section 17 of the *Canada Elections Act*, I hereby apply for the registration of the name of (*insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made*) on the official list of electors for urban polling division No. .... comprised in the above mentioned revisal district. 15

3. That the name, address and occupation of the person 20  
on whose behalf this application is made, as set forth in the annexed application in Form No. 18, are, to the best of my knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18 was signed in my presence by the person on whose behalf 25  
this application is made (*or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 18 has been duly sworn (or affirmed) by a relative by blood or marriage or the employer of such person*). 30

Sworn (*or affirmed*) before me  
at.....,  
this....day of....., 19.... } .....  
 } (*Signature of deponent*)  
..... }  
 }  
 } *Revising Officer*  
 } (*or as the case may be*) 35

**56.** The said Schedule One is further amended by adding thereto immediately after Form No. 17 thereto the following Form:

"FORM No. 17A.

SWORN APPLICATION TO BE MADE BY THE  
REVISING AGENTS ACTING FOR AN ELECTOR.  
(Sec. 17, Sched. A, Rule 33A.)

Electoral district of.....

To the Revising Officer for Revisal District No..... 5  
comprised in the above mentioned electoral district.

We, the undersigned, (*insert name, address and occupation of each revising agent*), do swear (*or solemnly affirm*):

1. That we are qualified electors of the above mentioned electoral district. 10

2. That pursuant to the provisions of Rule (33A) of Schedule A to section 17 of the *Canada Elections Act*, we hereby apply for the registration of the name of (*insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made*) on the official list of electors for urban polling division No. .... comprised in the above mentioned revisal district. 15

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18A, are, to the best of our knowledge and belief, correctly stated. 20

4. That the said annexed application in Form No. 18A was signed in our presence by the person on whose behalf this application is made. 25

Severally sworn (*or affirmed*)

before me at.....,

this .... day of ....., 19...

(*Signature  
of revising agent*)

.....  
*Revising Officer*  
(*or as the case may be*)

(*Signature  
of revising agent*)

30

Note.—This form must be signed and sworn to by both revising agents appointed to act in the above revisal district"

57. Form No. 18 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 18

APPLICATION TO BE MADE BY AN ELECTOR FOR  
REGISTRATION AS SUCH.  
(Sec. 17, Sched. A, Rule 33.)

*(To be presented to the revising officer by the agent of an elector.)*

Electoral district of ..... 5  
Urban polling division No. ....  
Name of applicant .....  
*(in capital letters with family name first)*  
.....  
*(address)*  
.....  
*(occupation)* ..... 10

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election. 15

I am a Canadian citizen.  
(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election. 20

I was ordinarily resident in the above mentioned urban polling division on the ..... day of ....., 19....  
*(naming the date of the issue of the writ ordering the pending election)*; (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day). 25

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*. 30

Dated at ..... this .....  
day of ....., 19....

.....  
*(Signature of witness)* ..... *(Signature of applicant)*



ALTERNATIVE APPLICATION TO BE SWORN BY A  
RELATIVE OR EMPLOYER WHEN ELECTOR IS  
TEMPORARILY ABSENT FROM THE PLACE  
OF HIS ORDINARY RESIDENCE.

(To be presented to the revising officer by the agent of an elector.)

Electoral district of .....

Urban polling division No. ....

I, the undersigned, ..... 5

(insert name of relative or employer)

of . . . . ., do swear (or solemnly affirm):

(address) (occupation)

1. That I am hereby applying for the registration of the name of ....., of ....., 10

(in capital letters with family name first) (address)

....., on the list of electors for the above

(occupation)

mentioned urban polling division at the now proceeding revision of lists of electors.

2. That the said person on whose behalf this application is made

(a) is of the full age of twenty-one years, or will attain such age on or before polling day at the pending election;

(b) is a Canadian citizen:

(or)

is a British subject other than a Canadian citizen and has been ordinarily resident in Canada for the twelve months immediately preceding polling day at 25 the pending election; and

(c) was ordinarily resident in the above mentioned urban polling division on the . . . . . day of . . . . ., 19 . . . . (naming the date of the issue of the writ ordering the pending election); (and, at a by-election, 30 has continued to be ordinarily resident in this electoral district until this day).

3. That the said person on whose behalf this application is made is at this time temporarily absent from the place of his ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

4. And that I am a relative by blood or marriage or the employer of the said person on whose behalf this application is made.

Sworn (or affirmed) before me	}	
at .....		5
this ..... day of .....		
19 .....		(Signature of relative or employer)"
.....		
Revising Officer (or as the case may be)		10

58. The said Schedule One is further amended by adding thereto immediately after Form No. 18 thereto the following Form:

“FORM No. 18A.

APPLICATION TO BE MADE BY AN ELECTOR  
FOR REGISTRATION AS SUCH.  
(Sec. 17, Sched. A, Rule 33A.)

(To be presented to the revising officer by the revising agents acting for an elector.) 15

Electoral district of.....	
Urban polling division No.....	
Name of applicant.....	
	(in capital letters with family name first)
.....	
	(address)
	20
.....	
	(occupation)

I, the undersigned, hereby apply to be registered at the now proceeding revision of preliminary lists as an elector in the above mentioned urban polling division.

I am of the full age of twenty-one years, or will attain 25 such age on or before polling day at the pending election.

I am a Canadian citizen.

(or)

I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve 30 months immediately preceding polling day at the pending election.

I was ordinarily resident in the above mentioned urban polling division on the.....day of....., 19....  
(naming the date of the issue of the writ ordering the pending election); (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day). 5

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned urban polling division, at the pending election, under any of the provisions of the *Canada Elections Act*.

Dated at....., this.....day of 10

....., 19....

(Signature of revising agent)

(Signature of revising agent)

(Signature of applicant)"

**59.** Forms Nos. 30, 31, 32 and 33 of Schedule One to 15  
the said Act are repealed and the following substituted therefor:

"FORM No. 30.

# NOTICE OF GRANT OF A POLL. (Sec. 25.)

Electoral District of.....

Province of.....

Public notice is hereby given to the electors of the electoral 20  
district aforesaid, that a poll has been granted for the election now pending for the said electoral district, and that such poll will be opened on....., the..... day of....., 19...., at the hour of eight o'clock in the forenoon and kept open 25  
until the hour of seven o'clock in the afternoon in the following polling stations established in the various polling divisions comprised in the said electoral district:

Polling Division No.: (Here insert the description of the boundaries of the polling division, followed by the location of 30  
every polling station established therein.)

(Proceed as above in respect to all other polling divisions and polling stations.)

Notice is further given that the persons duly nominated as candidates in the above mentioned electoral district, and 35  
only for whom votes may be cast, are:

1. } (Insert the name, address, and occupation of each can-
2. } didate as given in the heading of the nomination paper,
3. } and follow the name and particulars of each with (in



*smaller type) the words "Official Agent" and the name, address, and occupation of the official agent appointed by each candidate.)*

Of which all persons are hereby required to take notice and govern themselves accordingly. 5

Given under my hand at....., this  
..... day of....., 19....  
*(Print name of returning officer)*  
*Returning Officer.*

FORM No. 31.

APPOINTMENT OF DEPUTY RETURNING OFFICER. (Sec. 26.)

To *(insert name of D.R.O.)* whose address is *(insert address)*. 10

Know you that I, in my capacity of returning officer for the electoral district of ....., do hereby appoint you to be deputy returning officer for polling station No. .... of the said electoral district which has been established at *(describe location of polling station)*; 15

That you are authorized and required to open the poll at the said polling station on the..... day of ....., 19 ...., at eight o'clock in the forenoon and to keep the said poll open until seven o'clock in the afternoon of the same 20 day, and there to take by ballot the votes of the qualified electors at the said polling station according to the procedure set forth in the Instructions for Deputy Returning Officers issued by the Chief Electoral Officer;

And that, after having counted the votes cast for the 25 various candidates and performed all the other necessary duties, you are required to transmit to me forthwith the ballot box, sealed with a special metal seal, enclosing only two envelopes, one containing the official statement of the poll and the other containing the poll book, the ballot 30 papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, together with the official list of electors and the other documents used at the taking of the votes.

Given under my hand at ....., this ..... 35  
day of ....., 19.....

.....  
*Returning Officer.*

## FORM No. 32.

OATH OF OFFICE OF DEPUTY RETURNING  
OFFICER. (Sec. 26.)

I, the undersigned, appointed deputy returning officer for  
polling station No. .... of the electoral district of ....  
....., do swear (or solemnly affirm) that I  
am qualified as an elector in the said electoral district, that  
I will act faithfully in my said capacity of deputy returning 5  
officer, without partiality, fear, favour or affection, and  
that I will keep secret the name of the candidate for whom  
the ballot paper of any elector is marked in my presence  
at the pending election. So help me God.

.....  
*Deputy Returning Officer.* 10

CERTIFICATE OF DEPUTY RETURNING OFFICER  
HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the .....  
day of ....., 19....., the deputy return-  
ing officer above named subscribed before me the above set  
forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under 15  
my hand.

.....  
*Returning Officer or Postmaster*  
(or as the case may be)

## FORM No. 33.

APPOINTMENT AND OATH OF OFFICE OF POLL  
CLERK. (Sec. 26.)

## APPOINTMENT.

To ....., whose occupation is .....  
..... and whose address is ..... 20

Know you that, in my capacity of deputy returning officer  
for polling station No. .... of the electoral district of  
....., I hereby appoint you to be poll clerk  
for the said polling station.

Given under my hand at ....., this 25  
..... day of ....., 19.....

.....  
*Deputy Returning Officer.*

OATH OF OFFICE OF POLL CLERK. (Sec. 26.)

I, the undersigned, appointed poll clerk for the above mentioned polling station, do swear (*or* solemnly affirm) that I am qualified as an elector in the said electoral district, that I will act faithfully in my capacity of poll clerk, or in that of deputy returning officer, if required to act as such, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....  
*Poll Clerk* 10

CERTIFICATE OF POLL CLERK HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, hereby certify that on the ..... day of ....., 19....., the poll clerk above named subscribed before me the above set forth oath (*or* affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....  
*Deputy Returning Officer."*



**60.** Form No. 35 (English and French versions) of Schedule One to the said Act is repealed and the following substituted therefor:

FORM No. 35.

FORM OF BALLOT PAPER. (Sec. 28.)

*Front.*

**DOE, WILLIAM R.,**  
636 POWER ST., OTTAWA,  
BARRISTER.

**DOE, FRANK ARTHUR,**  
R.R. NO. 3, WESTBORO,  
FARMER.

**DOE, JOSEPH,**  
EASTVIEW,  
GENTLEMAN.

**DOE, JOHN THOMAS,**  
239 BANK ST., OTTAWA,  
MERCHANT.

FORM No. 35.—(*Concluded*)  
FORM OF BALLOT PAPER.

*Back.*

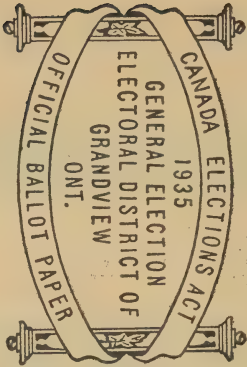
**No. 325**

*(Line of perforations here.)*

**No. 325**

*(Line of perforations here.)*

Space for initials of D. R. O.



**POLLING DAY:**

**September 14th, 1935**

Printed by JAMES BROWN,  
260 Slater Street, Ottawa, Ont.

## FORMULE N° 35.

## FORMULE DU BULLETIN DE VOTE. (Art. 28.)

*Recto.*

**UNTEL, P.-M.,**  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

**UNTEL, FRANÇOIS-ARTHUR,**  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

**UNTEL, JOSEPH,**  
POINTE-CLAIRE,  
BOURGEOIS.

**UNTEL, JEAN-THOMAS,**  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.



FORMULE N° 35.—*Fin.*

FORMULE DU BULLETIN DE VOTE.

*Verso.*

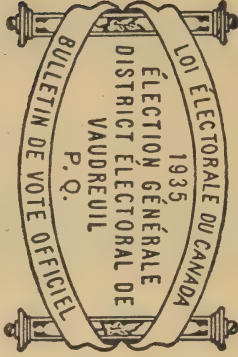
N° 325

(Ligne de perforations)

N° 325

(Ligne de perforations)

Espace réservé aux initiales  
du sous-officier rapporteur.



JOUR DU SCRUTIN:

14 septembre 1935.

Imprimé par JULES LANGLAIN,  
300, rue St-Jean, Québec, P. Q.

**61.** Form No. 36 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 36.

AFFIDAVIT OF PRINTER. (Sec. 28 (6).)

I, ..... of the .....  
of ....., ....., make oath and say:  
(*occupation*)

5

1. That I am .....  
(*Insert “the sole member” or “one of the members of the  
.....  
firm of” or “the ..... of the Co. Ltd.”, or as the case may be.*)  
hereinafter called “the printer” by whom or by which ballot 10  
papers have been printed for the pending election in the  
electoral district of ..... for a member  
to serve in the House of Commons of Canada.

2. That ..... sheets for ballot papers num-  
bered as follows, namely: ..... 15  
were delivered to the said printer by the returning officer for  
the printing of the said ballot papers which were printed  
with the names of ..... candidates,  
(*Insert number of candidates*)  
each of the said sheets thus cutting into ..... 20  
(*Insert number of ballots*)  
ballot papers.

3. That the number of ballot papers properly printed and  
delivered to the said returning officer was .....  
and that no other ballot papers have been supplied to any 25  
other person.

4. That ..... sheets numbered as follows, namely  
..... were not required and have been returned to the  
returning officer in the condition in which they were received.

5. That ..... sheets of ballots papers were spoilt in 30  
printing and that every such piece of spoilt ballot paper has  
been delivered to the returning officer.

\*6. And that the ballot papers having been printed with  
the names of ..... candidates, the cut off portions of

—  
\*Strike out this paragraph unless six, eight, nine, ten,  
twelve or more candidates are running.”

all the sheets out of which ballot papers were cut have been returned to the said returning officer for return to the Chief Electoral Officer, the same being arranged in numerical order according to the numbers printed thereon.

Sworn (or affirmed) before	}		5
me at .....			
in the Province of .....			
this .... day of ....., 19..		..... (Signature of printer)	
..... Returning Officer (or as the case may be)			10

**62.** Forms Nos. 37 and 38 (English and French versions) of Schedule One to the said Act are repealed and the following substituted therefor: 15

“FORM No. 37.

DIRECTIONS TO ELECTORS. (Sec. 36 (1).)

Each elector may vote at only one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space on the ballot paper containing the name and particulars of the candidate for whom such elector desires to vote. 20

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the number on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station. 25 30

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another. 35

If an elector votes for more than one candidate, or makes any mark on the ballot paper by which he can afterwards be identified, his vote will not be counted.



If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at an election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour. 5 10

*In the following specimen of ballot paper, given for illustration, the candidates are William R. Doe, Frank Arthur Doe, Joseph Doe, and John Thomas Doe, and the elector has marked his ballot paper in favour of John Thomas Doe. 15*

**DOE, WILLIAM R.,**  
636 POWER ST., OTTAWA,  
BARRISTER.

**DOE, FRANK ARTHUR,**  
R.R. NO. 3, WESTBORO,  
FARMER.

**DOE, JOSEPH,**  
EASTVIEW,  
GENTLEMAN.

**DOE, JOHN THOMAS,**  
239 BANK ST., OTTAWA,  
MERCHANT.

X

## FORMULE N° 37.

## DIRECTIVES AUX ÉLECTEURS.

(Art. 36 (1).)

Chaque électeur ne peut voter qu'à un seul bureau de votation et que pour un seul candidat.

Après avoir reçu du sous-officier rapporteur un bulletin de vote, l'électeur entrera dans un compartiment de votation et fera une croix, avec un crayon de mine noire qui y est 5 déposé, dans l'espace sur le bulletin de vote qui contient le nom et les détails du candidat en faveur duquel cet électeur désire voter, ainsi qu'il suit: X.

L'électeur pliera ensuite son bulletin de vote de manière que les initiales du sous-officier rapporteur au verso et le 10 numéro sur le talon puissent être vus et le talon enlevé sans déplier le bulletin de vote; puis il le remettra ainsi plié au sous-officier rapporteur, qui le déposera lui-même dans la boîte du scrutin sous les yeux de toutes les personnes présentes, y compris l'électeur, après en avoir détaché et 15 détruit le talon. L'électeur sortira ensuite immédiatement du bureau de votation.

Si un électeur détériore par inadvertance un bulletin de vote, il peut le remettre au sous-officier rapporteur qui, s'étant assuré du fait, lui en donnera un autre. 20

Si un électeur vote pour plus d'un candidat ou fait sur le bulletin de vote quelque marque au moyen de laquelle il pourrait plus tard être reconnu, son vote ne sera pas compté.

Si un électeur emporte frauduleusement un bulletin de vote en dehors du bureau de votation, ou remet frauduleuse- 25 ment au sous-officier rapporteur, pour qu'il le dépose dans la boîte du scrutin, un autre papier que le bulletin de vote qui lui a été remis par le sous-officier rapporteur, il deviendra dès lors inhabile à voter à une élection durant les sept années qui suivront, et s'il s'agit d'un officier rapporteur, d'un 30 secrétaire d'élection, d'un sous-officier rapporteur, d'un greffier du scrutin ou d'un autre officier occupé à la conduite de cette élection, il sera passible d'emprisonnement, sans l'alternative d'amende, pendant cinq ans au plus et un an au moins, avec ou sans travaux forcés, et s'il s'agit d'une 35 autre personne, elle sera passible d'un emprisonnement d'au plus trois ans et d'au moins un an, avec ou sans travaux forcés.

*Dans le spécimen du bulletin de vote qui suit, donné à titre d'exemple, les candidats sont P.-M. Untel, François-Arthur 40 Untel, Joseph Untel et Jean-Thomas Untel, et l'électeur a marqué son bulletin de vote en faveur de Jean-Thomas Untel.*

**UNTEL, P.-M.,**  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

**UNTEL, FRANÇOIS-ARTHUR,**  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

**UNTEL, JOSEPH,**  
POINTE-CLAIRE,  
BOURGEOIS.

**UNTEL, JEAN-THOMAS,**  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.

**X**



## FORM No. 38.

## DIRECTIONS TO ELECTORS. (Sec. 36 (1).)

APPLICABLE ONLY IN AN ELECTORAL DISTRICT IN  
WHICH TWO MEMBERS ARE TO BE RETURNED.

Each elector may vote at only one polling station but he is entitled to vote for two candidates.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will make a cross, thus X, within the space on the ballot paper containing the name and particulars of each of the two candidates for whom such elector desires to vote. 5

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the number on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer shall then himself place the ballot paper in the ballot box. The elector shall then forthwith leave the polling station. 10 15

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer who, on being satisfied of the fact, will give him another. 20

If an elector votes for more than two candidates, or makes any mark on the ballot paper by which he can afterwards be identified, his ballot paper will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at an election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk, or other officer engaged in the conduct of such an election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour. 25 30 35

*In the following specimen of ballot paper, given for illustration, the candidates are William R. Doe, Frank Arthur Doe, Joseph Doe, and John Thomas Doe, and the elector has marked his ballot paper in favour of Frank Arthur Doe and John Thomas Doe.* 40

**DOE, WILLIAM R.,**  
636 POWER ST., OTTAWA,  
BARRISTER.

**DOE, FRANK ARTHUR,**  
R.R. NO. 3, WESTBORO,  
FARMER.

X

**DOE, JOSEPH,**  
EASTVIEW,  
GENTLEMAN.

**DOE, JOHN THOMAS,**  
239 BANK ST., OTTAWA,  
MERCHANT.

X

## FORMULE N° 38.

## DIRECTIVES AUX ÉLECTEURS.

(Art. 36 (1).)

APPLICABLE SEULEMENT À UN DISTRICT ÉLECTORAL OÙ DEUX  
DÉPUTÉS DOIVENT ÊTRE ÉLUS.

Chaque électeur ne peut voter qu'à un seul bureau de  
votation, mais il a droit de voter pour deux candidats.

Après avoir reçu du sous-officier rapporteur un bulletin  
de vote, l'électeur entrera dans un compartiment de votation  
et fera une croix, avec un crayon de mine noire qui y est 5  
déposé, dans l'espace sur le bulletin de vote qui contient le  
nom et les détails de chacun des deux candidats en faveur  
desquels il désire voter, ainsi qu'il suit: X.

L'électeur pliera ensuite son bulletin de vote de manière  
que les initiales du sous-officier rapporteur au verso et le 10  
numéro sur le talon puissent être vus et le talon enlevé sans  
déplier le bulletin de vote; puis il le remettra ainsi plié au  
sous-officier rapporteur, qui le déposera lui-même dans la  
boîte du scrutin sous les yeux de toutes les personnes pré-  
sentes, y compris l'électeur, après en avoir détaché et détruit 15  
le talon. L'électeur sortira ensuite immédiatement du bureau  
de votation.

Si un électeur détériore par inadvertance un bulletin de  
vote, il peut le remettre au sous-officier rapporteur qui,  
s'étant assuré du fait, lui en donnera un autre. 20

Si un électeur vote pour plus de deux candidats ou fait sur  
le bulletin de vote quelque marque au moyen de laquelle il  
pourrait plus tard être reconnu, son bulletin de vote ne  
sera pas compté.

Si un électeur emporte frauduleusement un bulletin de 25  
vote en dehors du bureau de votation, ou remet frauduleuse-  
ment au sous-officier rapporteur, pour qu'il le dépose dans  
la boîte du scrutin, un autre papier que le bulletin de vote  
qui lui a été remis par le sous-officier rapporteur, il deviendra  
dès lors inhabile à voter à une élection durant les sept années 30  
qui suivront, et s'il s'agit d'un officier rapporteur, d'un  
secrétaire d'élection, d'un sous-officier rapporteur, d'un  
greffier du scrutin ou d'un autre officier occupé à la conduite  
de cette élection, il sera passible d'emprisonnement, sans  
l'alternative d'amende, pendant cinq ans au plus et un an 35  
au moins, avec ou sans travaux forcés, et s'il s'agit d'une  
autre personne, elle sera passible d'un emprisonnement d'au  
plus trois ans et d'au moins un an, avec ou sans travaux  
forcés.



*Dans le spécimen du bulletin de vote qui suit, donné à titre d'exemple, les candidats sont P.-M. Untel, François-Arthur Untel, Joseph Untel et Jean-Thomas Untel, et l'électeur a marqué son bulletin de vote en faveur de François-Arthur Untel et de Jean-Thomas Untel.*

5

**UNTEL, P.-M.,**  
636, RUE NOTRE-DAME, MONTRÉAL,  
AVOCAT.

**UNTEL, FRANÇOIS-ARTHUR,**  
R.R. N° 3, RIGAUD,  
CULTIVATEUR.

X

**UNTEL, JOSEPH,**  
POINTE-CLAIRE,  
BOURGEOIS.

**UNTEL, JEAN-THOMAS,**  
239, RUE CÔTÉ, LACHINE,  
MARCHAND.

X

**63.** Forms Nos. 41 and 42 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 41.

OATH OF QUALIFICATION. (Sec. 39 (1).)

You swear (*or solemnly affirm*)

(1) That you are (*name, address and occupation*) as given on the list of electors now shown you; 5

(2) That you are a Canadian citizen of the full age of twenty-one years;

(*or*)

That you are a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day; 10

(3) That you were ordinarily resident in this polling division on the ..... day of ....., 19.... (*naming the date of the issue of the writ ordering the pending election*); (and, at a by-election, that you have continued to be ordinarily resident in this electoral district until today); 15

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Canada Elections Act*; 20

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and 25

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

FORM No. 42.

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral district of .....  
Urban polling division No. .... 30

I, the undersigned, do swear (*or solemnly affirm*):

(1) That I am of the full age of twenty-one years;

(2) That I am a Canadian citizen;

(*or*)

That I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day; 35

(3) That I was ordinarily resident in the above mentioned polling division on the ..... day of ....., 19....  
(*naming the date of the issue of the writ ordering the pending election*); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until today); 5

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of the *Canada Elections Act*;

(5) That I have not received anything nor has anything 10  
been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto; 15

(7) That I am the person intended to be referred to by the entry on the official list of electors for this polling station under consecutive No. .... of the name of.....  
(*name as on list of electors*), whose occupation is given as .....  
(*occupation as on list of electors*), 20  
and whose address is given as .....  
(*address as on list of electors*); and

(8) That the name stated above is my true name and that the signature affixed hereto is in my usual handwriting  
(*or in the case of an illiterate person—that the mark placed* 25  
hereto is my usual method of signing my name).

Sworn ( <i>or affirmed</i> ) before me	}	
at.....,		
this ..... day of .....,		
19.....		
.....		
Deputy Returning Officer.		( <i>Signature of deponent</i> )" 30

**64.** Form No. 45 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 45.

AFFIDAVIT OF A CANDIDATE'S AGENT TO  
BE SUBSCRIBED BEFORE VOTING ON A  
TRANSFER CERTIFICATE.

(Sec. 43 (2).)

Electoral district of..... 35



I, the undersigned, do swear (*or solemnly affirm*):

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of .....;  
(*insert name of candidate*) 5

(3) That it is my intention to act in that capacity until the poll is closed on this polling day, and that I have taken the oath of secrecy in Form No. 39 of the *Canada Elections Act*;

(4) That I am a Canadian citizen of the full age of twenty-one years; 10

(or)

That I am a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day; 15

(5) That I was ordinarily resident in this electoral district on the.....day of....., 19....(*naming the date of the issue of the writ ordering the pending election*); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until today); 20

(6) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of the *Canada Elections Act*; 25

(7) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(8) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God. 30

Sworn (or affirmed) before me

at.....,

this.....day of.....,

19.....

.....  
*Deputy Returning Officer.*

..... 35  
(*Signature of deponent*)"

**65.** Forms Nos. 49 and 50 of Schedule One to the said Act are repealed and the following substituted therefor: 40

## "FORM No. 49.

OATH OF AN APPLICANT RURAL ELECTOR.  
(Sec. 46.)

You swear (*or solemnly affirm*)

(1) That you are (*name, address and occupation*);

(2) That you are a Canadian citizen of the full age of twenty-one years;

(or)

That you are a British subject other than a Canadian citizen of the full age of twenty-one years and have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(3) That you were ordinarily resident in this electoral district on the ..... day of ....., 19.... (*naming the date of the issue of the writ ordering the pending election*);

(4) That you are now ordinarily resident in this rural polling division;

(5) That, to the best of your knowledge and belief, you are not disqualified as an elector in this rural polling division, at the pending election, under any of the provisions of the *Canada Elections Act*;

(6) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(7) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

## FORM No. 50.

OATH OF PERSON VOUCHING FOR AN APPLICANT RURAL ELECTOR.  
(Sec. 56.)

You swear (*or solemnly affirm*)

(1) That you are (*name, address and occupation*) as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this rural polling division;

(3) That you know (*naming the applicant and stating his address and occupation*) who has applied to vote at the pending election in this polling station;

- (4) That the said applicant is now ordinarily resident in this rural polling division;
- (5) That you verily believe that the said applicant
  - (a) is a Canadian citizen of the full age of twenty-one years; 5
  - (or)
    - is a British subject other than a Canadian citizen of the full age of twenty-one years and has been ordinarily resident in Canada for the twelve months immediately preceding this polling day; and 10
  - (b) was ordinarily resident in this electoral district on the ..... day of ....., 19....  
(naming the date of the issue of the writ ordering the pending election); and
- (6) That you verily believe that the said applicant is 15  
qualified to vote in this rural polling division at the pending election. So help you God."

**66.** Forms Nos. 65 and 66 of Schedule One to the said Act are repealed and the following substituted therefor:

"FORM No. 65.

NOTICE OF HOLDING OF ADVANCE POLL.  
(Sec. 94(5).)

Electoral District of ..... 20

Take notice that, pursuant to the provisions of sections 94 to 97, inclusive, of the *Canada Elections Act*, an advance poll will be opened in the undermentioned advance polling district(s).

FOR ADVANCE POLLING DISTRICT No. 1, comprising polling divisions Nos. .... of the above mentioned electoral district, the advance polling station will be located at (*Specify in capital letters the exact location of the advance polling station*), and the votes cast at such polling station will be counted on Monday, 30 the ..... day of ....., 19...., being the ordinary polling day, at nine o'clock in the afternoon, at (*Specify in capital letters the exact location where the count will be held*).

(*Proceed as above in respect of any other advance polling district.*) 35

And further take notice that the said advance polling station(s) will be open between the hours of eight o'clock in the forenoons and eight o'clock in the afternoons of Saturday and Monday, the..... and..... 40 ..... days of ....., 19...., being the ninth and seventh days before the day fixed as the ordinary polling day at the pending election in the above mentioned electoral district.



And further take notice that any elector whose name appears on the list of electors prepared for a polling division who has reason to believe that he will be absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, such 5  
polling division may vote in advance of the ordinary polling day at the advance polling station established in the advance polling district comprising the polling division on the list of electors for which his name appears if, before casting his vote, he takes and subscribes to an affidavit for voting at an 10  
advance poll, in Form No. 66 of the *Canada Elections Act*, before the deputy returning officer of the said advance polling station.

And further take notice that the office of the undersigned which has been established for the conduct of the pending 15

election is located at.....in the Town  
City of.....  
Village

Dated at....., this.....day  
of....., 19..... 20  
(*Print name of returning officer*)  
*Returning Officer.*

FORM No. 66.

### AFFIDAVIT FOR VOTING AT AN ADVANCE POLL. (Sec. 95.)

Consecutive number of affidavit.....  
Electoral District of.....  
Advance Polling District No..... 25

I, the undersigned,....., whose  
occupation is.....and whose address is.....  
do swear (*or solemnly affirm*):

1. That my name appears on the list of electors prepared for polling division No.....comprised in the above 30  
mentioned advance polling district.

2. That I have reason to believe that I will be absent on the ordinary polling day at the pending election from, and that I will be unable to vote on that day in, the above  
mentioned polling division. 35

Sworn (or affirmed) before me  
at.....  
this.....  
day of....., 19.....  
.....  
*Deputy Returning Officer.*

(Signature of deponent)

5

PARTICULARS TO BE RECORDED BY POLL  
CLERK IN THE ADVANCE POLLING STATION

Consec- utive number of elec- tor on list of electors	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR	RECORD THAT OATH SWORN OR REFUSED —— (If sworn, insert “Sworn” or “Affirmed”; if refused, insert “Refused to be Sworn” or “Re- fused to Affirm” or “Refused to Answer”)	RECORD THAT ELECTOR HAS VOTED —— When ballot paper put into ballot box, insert “Voted”	REMARKS
				”

Repeal.

67. Schedule Two to the said Act is repealed.

68. Paragraph 4 of *The Canadian Forces Voting Regulations* in Schedule Three to the said Act is amended by adding thereto, immediately after clause (f) thereof, the 10 following clause:

- “(fa) “enrol” means to cause any person
- (i) to become a member of the Canadian Forces, or
- (ii) to transfer to the regular forces from any other component of the Canadian Forces;”.
- 15

69. Paragraph 9 of the said Regulations is repealed and the following substituted therefor:

Nominating,  
appointment,  
oath and  
tenure of  
office of  
scrutineers.

**"9.** The Chief Electoral Officer shall, whenever deemed necessary for the purpose of these Regulations, appoint six persons to act as scrutineers in the headquarters of each special returning officer; three of such six scrutineers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of the political group having the third largest recognized membership in the House of Commons; each scrutineer shall be appointed in Form No. 3, and shall be sworn according to the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him in these Regulations; the tenure of office of a scrutineer ceases immediately after the counting of the votes has been completed."

**70.** The said Regulations are further amended by adding thereto paragraph 9A.

Nominating,  
appointment,  
etc., of  
additional  
scrutineers.

**"9A.** When, after the date of the issue of the writs ordering the general election, it appears that the number of scrutineers provided in paragraph 9 is not sufficient, the Chief Electoral Officer shall appoint the additional number of scrutineers required; such additional scrutineers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in paragraph 9; every such additional scrutineer shall be appointed and sworn as prescribed in the said paragraph."

**71.** Clause (g) of paragraph 12 of the said Regulations is repealed and the following substituted therefor:

**"(g)** distribute a sufficient number of copies of these Regulations, ballot papers, envelopes, books of key maps, books of excerpts from the Canadian Postal Guide, lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, and to each pair of deputy special returning officers, as prescribed in paragraph 19;"

**72.** Paragraph 15 of the said Regulations is repealed and the following substituted therefor:

**"15.** (1) As soon as possible after the nominations of candidates at the general election have closed, on the fourteenth day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer.



(2) Upon the list referred to in subparagraph (1) shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations.

(3) The designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer.” 5

**73.** Subparagraph (1) of paragraph 19 of the said Regulations is repealed and the following substituted therefor:

“**19.** (1) Each special returning officer shall, as soon as possible, transmit a sufficient number of ballot papers, outer envelopes, inner envelopes, copies of these Regulations, books of key maps, books of excerpts from the Canadian Postal Guide, cards of instructions, lists of names and surnames of candidates, and other necessary supplies, to the commanding officers stationed within his voting territory; and when deemed advisable, the special returning officer shall distribute a sufficient number of each of the above mentioned documents to every pair of deputy special returning officers appointed to take the votes of Veteran electors in his voting territory.” 10 15 20

**74.** Subparagraphs (2), (3) and (4) of paragraph 22 of the said Regulations are repealed and the following substituted therefor:

“**22.** (1) Every person other than a person referred to in subparagraph (2) shall, forthwith upon his enrolment in the regular forces complete in duplicate before a commissioned officer, a statement of ordinary residence in Part I of Form No. 16 indicating the city, town, village or other place in Canada in which his place of ordinary residence immediately prior to enrolment was situated. 25

(2) Every person who did not have a place of ordinary residence in Canada immediately prior to his enrolment in the regular forces shall, as soon thereafter as he acquires a place of ordinary residence in Canada as described in sub-clauses (i) or (ii) of clause (a) of subparagraph (3), complete in duplicate before a commissioned officer, a statement of ordinary residence in Part II of Form No. 16. 35

(3) A member of the regular forces who is not a member of the active service forces of the Canadian Forces may, in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election, 40

- (a) subject to subparagraph (4), by completing a statement of change of ordinary residence in Part III of Form No. 16, in duplicate, before a commissioned officer, change his place of ordinary residence to any one of the following: 5
- (i) the city, town, village or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependant, relative, or next of kin of such member; 10
  - (ii) the city, town, village or other place in Canada, with street address, if any, where such member is residing as a result of the services performed by him in the forces; or
  - (iii) the city, town, village or other place in Canada, with street address, if any, in which was situated his place of ordinary residence immediately prior to enrolment, and 15
- (b) if he has failed to complete a statement of ordinary residence as mentioned in subparagraph (1) or (2), complete such statement of ordinary residence in Part I or II of Form No. 16, as applicable. 20

(4) Notwithstanding subparagraph (3) where a statement of change of ordinary residence is completed changing the member's place of ordinary residence to a place in an electoral district where a writ ordering a by-election has been issued, the statement shall not be effective to change the member's place of ordinary residence for the purpose of that by-election." 25

**75.** Subparagraph (7) of paragraph 22 of the said Regulations is repealed and the following substituted therefor: 30

"(7) On enrolment in the active service forces, every person who is not a member of the regular forces or reserve forces shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18 indicating the city, town, village or other place in Canada in which is situated his place of ordinary residence immediately prior to enrolment in the active service forces." 35

**76.** Paragraph 22 of the said Regulations is further amended by adding thereto the following subparagraph: 40

"(9) In lieu of the forms prescribed in this paragraph, the forms prescribed in paragraph 22 of *The Canadian Forces Voting Regulations* in Schedule Three to the *Canada Elections Act*, chapter 23, Revised Statutes of Canada 1952, may be used in the circumstances prescribed in that paragraph." 45

77. Paragraph 25 of the said Regulations is repealed and the following substituted therefor:

"25. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer that a general election has been ordered in Canada, publish as part of Daily Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed as polling day. 5

(2) It shall be stated in the notice referred to in sub-paragraph (1) that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose during such hours and on such days of the period of six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive, as may be fixed by the commanding officer, which shall be not less than three hours a day on at least three days of that period. 10 15

(3) The commanding officer shall afford all necessary facilities to Canadian Forces electors of his unit, and to the wives of such electors who are Canadian Forces electors, as defined in paragraph 20A, to cast their votes in the manner prescribed in these Regulations.

(4) The commanding officer may establish mobile voting places in any area to take the votes of Canadian Forces electors who cannot conveniently reach other voting places established at his unit and such mobile voting places shall remain in the area and be open for the taking of votes of Canadian Forces electors during such hours and on such days of the service voting period as the commanding officer deems necessary to give all such electors in the area a reasonable opportunity to vote. 25 30

(5) On at least three days before the period fixed for voting by Canadian Forces electors as provided in sub-paragraph (2) and on every day on which such voting takes place, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating 35

- (a) the days and dates upon which Canadian Forces electors may cast their votes; 40
- (b) the exact location of the voting places established for each unit;
- (c) in the case of a mobile voting place, the area in which such mobile voting place will operate; and
- (d) the hours during which Canadian Forces electors may cast their votes at each of such voting places." 45



**78.** Paragraph 28 of the said Regulations is repealed and the following substituted therefor:

**"28.** Forthwith upon receiving the supplies mentioned in paragraph 19, the commanding officer shall

- (a) distribute the supplies in sufficient quantities to every deputy returning officer designated by him to take the votes of Canadian Forces electors; and 5
- (b) cause copies of the list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places." 10

**79.** Paragraph 31 of the said Regulations is repealed and the following substituted therefor:

**"31.** (1) In any voting place, and at any time during which Canadian Forces electors are casting their votes, the deputy returning officer before whom the votes are cast shall cause at least two copies of the card of instructions, in Form No. 9, to be posted up in conspicuous places. 15

(2) The deputy returning officer, in the place and at the time referred to in subparagraph (1), shall keep readily available for consultation by Canadian Forces electors one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one list of the names and surnames of candidates." 20

**80.** Subparagraph (1) of paragraph 33 of the said Regulations is repealed and the following substituted therefor: 25

**"33.** (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name, rank and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement, in Form No. 16, if he is a member of the regular forces, or in Form No. 18, if he is a member of the reserve forces or the active service forces, before a commissioned officer or a deputy returning officer, and the place of ordinary 35 40 45

residence to be declared in Form No. 7 shall be the place of ordinary residence shown on Form No. 16 or Form No. 18; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy 5 returning officer shall cause such Canadian Forces elector to affix his signature to the said declaration and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

**81.** Subparagraph (3) of paragraph 33 of the said 10 Regulations is repealed and the following substituted therefor:

Affidavit of  
qualification  
by Canadian  
Forces  
elector.

"(3) A Canadian Forces elector, if required by the deputy returning officer, or by an accredited representative of a political group, shall, before receiving a ballot paper, 15 subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place; the said affidavit of qualifications shall be subscribed to before the deputy returning officer." 20

**82.** Paragraph 37 of the said Regulations is repealed and the following substituted therefor:

"**37.** (1) A Canadian Forces elector who, when casting his vote, has inadvertently dealt with a ballot paper in such manner that it cannot be used, shall return it to the deputy 25 returning officer, who shall deface it and deliver another to the Canadian Forces elector in its place.

(2) Any ballot paper that has been defaced pursuant to subparagraph (1) shall be classified as a spoiled ballot paper, and when the voting is completed, shall be transmitted to the 30 commanding officer, together with all counterfoils, declarations completed by representatives of political parties and unused ballot papers and envelopes.

(3) The commanding officer shall forthwith transmit to the appropriate special returning officer all spoiled ballot 35 papers, counterfoils, declarations made by representatives of political parties, unused ballot papers and envelopes in his possession or received from deputy returning officers."

**83.** Clause (b) of paragraph 41 of the said Regulations is repealed and the following substituted therefor: 40

"(b) in the case of a British subject other than a Canadian citizen, has been ordinarily resident in Canada for the twelve months immediately preceding polling day;"

Nominating,  
appointment,  
and oath of  
office of  
deputy  
special  
returning  
officers.

**84.** Paragraph 49 of the said Regulations is repealed and the following substituted therefor:

“**49.** For the purpose of taking the votes of Veteran electors at the general election, the Chief Electoral Officer shall appoint six persons to act as deputy special returning officers in each voting territory; three of such six deputy special returning officers shall be nominated by the Leader of the Government, two by the Leader of the Opposition, and one by the Leader of the political group having the third largest recognized membership in the House of Commons; 10 each deputy special returning officer shall be appointed on Form No. 11, and shall be sworn according to the said Form No. 11, before a special returning officer, or a justice of the peace, or a commissioner for taking affidavits in the province, to the faithful performance of the duties 15 imposed upon him in these Regulations.”

**85.** Paragraph 57 of the said Regulations is repealed and the following substituted therefor:

“**57.** (1) In any place, and at any time during which Veteran electors are casting their votes, the deputy special returning officers before whom the votes are cast shall cause at least one copy of the card of instructions, in Form No. 13, to be posted up in a conspicuous place, or shown to every Veteran elector as he applies to vote. 20

(2) The deputy special returning officers, in the place 25 and at the time referred to in subparagraph (1), shall keep readily available for consultation by Veteran electors one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide, and one list of the names and surnames of candidates.” 30

**86.** Subparagraph (1) of paragraph 61 of the said Regulations is repealed and the following substituted therefor:

“**61.** (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom 35 the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that 40 he is a Canadian citizen or that he is a British subject other than a Canadian citizen and has been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending general election, that he was



a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, that he has been discharged from such Forces, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration (except in the case of an incapacitated or blind Veteran elector referred to in paragraphs 58 and 59), and the certificate printed thereunder shall then be signed by both deputy special returning officers."

**87.** Subparagraph (3) of paragraph 78 of the said Regulations is repealed and the following substituted therefor:

"(3) No ballot paper shall be rejected if, in addition to the names and surname of the candidate of his choice, a Canadian Forces elector or a Veteran elector has written on such ballot paper any of the designating letters appearing on the list of names and surnames of candidates prescribed in paragraph 15."

**88.** Paragraph 87 of the said Regulations is repealed and the following substituted therefor:

Procedure  
on  
withdrawal  
of candidate.

"**87.** Where after nomination day a candidate withdraws, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every deputy returning officer designated by him to take the votes of Canadian Forces electors of such withdrawal, and such deputy returning officer or the deputy special returning officers shall inform the Canadian Forces electors or Veteran electors concerned as to the name of the candidate who has withdrawn when such electors are applying to vote; any votes cast by Canadian Forces electors or Veteran electors for a candidate who has withdrawn are null and void."

**89.** Form No. 5 of the said Regulations is repealed and the following substituted therefor:

"FORM NO. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT  
A GENERAL ELECTION HAS BEEN ORDERED IN  
CANADA. (PAR. 25)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling day is....., the.....day of 5  
....., 19.....

Notice is further given that, pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph 20 of the said Regulations\*, and the wives of such Canadian Forces electors residing with their 10 husbands outside Canada\* are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

And that voting by Canadian Forces electors in this unit will take place during the six day period commencing on 15 Monday, the.....day of....., 19...

And that a notice giving the exact location of each voting place established in the unit under my command, together with the days and hours fixed for voting in such voting places, will be published in Daily Orders on at least three 20 days before commencement of the voting period and on every day that voting takes place.

Given under my hand at....., this.....day of ..... 19..... 25  
.....  
*Commanding officer."*

\*Note: Strike out the words between asterisks when the unit is stationed in Canada.

**90.** Form No. 12 of the said Regulations is repealed and the following substituted therefor: 30

"FORM No. 12.

DECLARATION TO BE MADE BY A VETERAN  
ELECTOR BEFORE BEING ALLOWED TO VOTE.  
(Par. 61)

I hereby declare

1. That my name is.....  
(Insert full name, surname last)

- 2. That I am a Canadian citizen.  
(or)  
That I am a British subject other than a Canadian citizen and have been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending general election. 5
- 3. That I was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950. 10
- 4. That I have been discharged from such Forces.
- 5. That I have not previously voted as a Veteran elector at the pending general election.
- 6. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is 15

.....  
(Here insert the name of the city, town, village or  
.....  
other place in Canada, with street address, if any)  
.....  
(Here insert name of electoral district)  
.....  
(Here insert name of province) 20

I hereby declare that the above statements are true in substance and in fact.  
Dated at....., this....., day of.....  
....., 19.....  
.....  
(Signature of Veteran elector) 25

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS.

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.  
.....  
(Signature of deputy special returning officer) 30  
.....  
(Signature of deputy special returning officer)"



**91.** Forms Nos. 15, 16, 17 and 18 of the said Regulations are repealed and the following substituted therefor:

“FORM No. 16

STATEMENT OF ORDINARY RESIDENCE.

REGULAR FORCES.

I hereby declare

That my name is.....,  
that my age is....., that my rank is 5  
..... and that my number is.....

PART I.

(This Part applies only to a member of the regular forces on and subsequent to enrolment if he had a place of ordinary residence in Canada immediately prior to enrolment)

That my place of ordinary residence in Canada immedi- 10  
ately prior to the date of my enrolment (as prescribed in  
paragraph 22 of *The Canadian Forces Voting Regulations*)

was.....  
(Insert name of city, town, village or other place in Canada

.....  
with street address, if any, and province) 15

PART II.

(This Part applies only to a member of the regular forces who did not have a place of ordinary residence in Canada immediately prior to enrolment).

That the place of my ordinary residence in Canada (as  
prescribed in paragraph 22 of *The Canadian Forces Voting* 20  
*Regulations*) is.....

(Insert name of city, town, village or other place

.....  
in Canada with street address, if any, and province)

PART III.

(This Part applies only to a member of the regular forces who has previously completed Part I or Part II above. 25  
Such member may change his ordinary residence to one of

the places mentioned in clauses (i), (ii) or (iii) of sub-paragraph (3)(a) of paragraph 22. This Part may be completed in January or February of any year other than during the period commencing on the day writs ordering a general election are issued and ending on the day following polling day at that election). 5

That I wish to change my place of ordinary residence from  
.....  
(Insert name of city, town, village or other place in Canada  
.....  
with street address, if any, and province)  
to.....  
(Insert name of city, town, village or other place in Canada 10  
.....  
with street address, if any, and province)

I further declare that what is stated above is true in substance and in fact.

Dated at....., this.....day of....., 19...

.....  
Signature of member of the regular forces 15

CERTIFICATE OF COMMISSIONED OFFICER  
OR OF DEPUTY RETURNING OFFICER

I hereby certify that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....  
Signature of commissioned officer  
or of deputy returning officer 20

.....  
Insert rank, number and name of unit

FORM No. 18

STATEMENT OF ORDINARY RESIDENCE.  
(Par. 22(5), (6) and (7) and par. 33(1).)

- (Applicable to
- (a) members of the reserve forces
    - (i) on full-time training or service not on active service during period commencing on date of 25 ordering of general election, or
    - (ii) on being placed on active service,

- (b) persons enrolled in the active service forces, and  
 (c) persons required to complete this Form pursuant to  
 paragraph 33(1).)

I hereby declare

That my name is....., 5  
 that my age is....., that my rank is.....  
 ....., and that my number is.....

That my place of ordinary residence in Canada imme-  
 diately prior to:

the commencement of my current continuous period of 10  
 full-time training or service/and active service,

or

being placed on active service not immediately preceded  
 by a period of full-time training or service,

or

the date of my enrolment in the active services forces  
 as prescribed in paragraph 22 of *The Canadian Forces  
 Voting Regulations*, is.....

(Insert name of city, town, village or

.....  
 other place in Canada, with street address, if any, and province) 20

I hereby declare that what is stated above is true in  
 substance and in fact.

Dated at ....., this.....day of.....  
 ....., 19.....

.....  
*Signature of member of reserve forces* 25  
*or active service forces*

# CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER

I hereby certify that the above mentioned member of the  
 reserve forces or the active service forces of the Canadian  
 Forces, on the date stated above, did make before me the  
 above set forth declaration. 30

.....  
*Signature of commissioned officer*  
*or of deputy returning officer.*

.....  
 (Insert rank,  
 number and name of unit)"





## MINUTES OF PROCEEDINGS

TUESDAY, June 7, 1960.  
(21)

The Standing Committee on Privileges and Elections met *in camera* at 10.00 o'clock a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Caron, Deschambault, Henderson, Kucherepa, Macquarrie, Ormiston, Paul, Pickersgill and Richard (*Ottawa East*).—10

*In attendance:* Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee resumed its consideration of the Canada Elections Act.

### *On Section 101:*

The Chief Electoral Officer submitted draft amendments which were further amended, and adopted as follows:

48. Section 101 of the said Act is repealed and the following substituted therefor:

"101. (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on the *ordinary* polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election.

(2) Every person who, with intent to influence persons to give or refrain from giving their votes at an election, uses, aids, abets, counsels or procures the use of any broadcasting station outside of Canada, during an election, for the broadcasting of any matter having reference to an election, is guilty of an illegal practice and of an offence against this Act punishable on summary conviction as provided in this Act.

(3) Where a candidate, his official agent or any other person acting on behalf of the candidate with the candidate's actual knowledge and consent, broadcasts outside of Canada a speech or any entertainment or advertising programme during an election, in favour or on behalf of any political party or any candidate at an election, the candidate is guilty of an illegal practice and an offence under this Act punishable on summary conviction as provided in this Act.

(4) In this section "broadcast" has the same meaning as "broadcasting" in the *Broadcasting Act*.

The Committee then reviewed the amendments which had been adopted previously, and approved them subject to minor editing corrections. The Chairman submitted a "Draft Report to the House" for the Committee's consideration. The said draft report was amended, adopted as amended and the Chairman was ordered to present it to the House. (*See Committee's Third Report to the House included in this issue.*)

At 10.30 a.m. the Committee adjourned until 9.30 a.m. on Tuesday, June 14, 1960.

E. W. Innes,  
*Clerk of the Committee.*





HOUSE OF COMMONS

Third Session—Twenty-fourth Parliament

1960

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STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

*Chairman:* MR. HEATH MACQUARRIE

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MINUTES OF PROCEEDINGS AND EVIDENCE

No. 20



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TUESDAY, JUNE 14, 1960

---

Respecting

CANADA ELECTIONS ACT

---

WITNESS:

Mr. Marcel Lambert, M.P., Parliamentary Secretary to the Minister of  
National Revenue.

STANDING COMMITTEE ON PRIVILEGES AND ELECTIONS

*Chairman:* Mr. Heath Macquarrie,

*Vice-Chairman:* Georges J. Valade, Esq.,

and Messrs.

Aiken,  
Barrington,  
Bell (*Carleton*),  
Caron,  
Deschambault,  
Godin,  
Grills,  
Henderson,  
Hodgson,  
Howard,

Johnson,  
Mandziuk,  
McBain,  
McDonald  
    (*Hamilton South*),  
McGee,  
McIlraith,  
McWilliam,  
Meunier,  
Montgomery,

Nielsen,  
Ormiston,  
Paul,  
Pickersgill,  
Richard (*Ottawa East*),  
Webb,  
Webster,  
Woolliams.—29

(Quorum 8)

E. W. Innes,  
*Clerk of the Committee.*

ORDER OF REFERENCE

FRIDAY, June 10, 1960.

*Ordered*,—That the names of Messrs. McDonald (*Hamilton South*) and Webb be substituted for those of Messrs. Kucherepa and Fraser on the Standing Committee on Privileges and Elections.

Attest.

L.-J. Raymond,  
*Clerk of the House.*





## MINUTES OF PROCEEDINGS

TUESDAY, June 14, 1960.  
(22)

The Standing Committee on Privileges and Elections met at 9.35 a.m. this day. The Chairman, Mr. Heath Macquarrie, presided.

*Members present:* Messrs. Bell (*Carleton*), Caron, Henderson, Hodgson, Macquarrie, McBain, McGee, McIlraith, Ormiston, Pickersgill, Richard (*Ottawa East*), Valade, Webb and Woolliams.—14

*In attendance:* Mr. Marcel Lambert, M.P., Parliamentary Secretary to the Minister of National Revenue; Mr. Nelson Castonguay, Chief Electoral Officer of Canada; and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Committee further considered the provisions of the Canada Elections Act with particular attention to *political broadcasting*.

Certain suggestions were proposed and discussed, Mr. Lambert supplying information thereon.

The Chairman thanked the members of the Committee for their attendance and cooperation; he further extended the Committee's thanks to the witnesses and to the Clerk of the Committee for their assistance to the Committee during its deliberations.

Members of the Committee complimented the Chairman on the manner in which he has discharged his responsibilities.

At 10.20 a.m. the Committee adjourned to the call of the Chair.

E. W. Innes,  
*Clerk of the Committee.*





## EVIDENCE

TUESDAY, June 14, 1960.

The CHAIRMAN: The meeting will come to order. I would like to say a word of welcome to Mr. Webb who has joined the committee. I would also like to welcome back to the fold our vice-chairman, Mr. Valade. He has been away and I am sure he has had a most wonderful time travelling.

We will now resume consideration of the broad question of political broadcast. There will be some difficulty in your chairman pin pointing the precise spots on the agenda, but I believe there were two matters in which Mr. Pickersgill was interested.

Mr. PICKERSGILL: Mr. Chairman, perhaps I may say a few words on these two points. It seems to me there are two distinct problems and one very subsidiary problem about which I might say a word first of all. I do hope that somewhere or other, whatever else may be done, that some provision will be made so that the C.B.C. television stations behave in exactly the same way as private television stations and that we do not have this absurdity we have had in some recent elections where you could buy time if you happened to be in some parts of the country and not if you happened to be in other parts of the country, because you can buy it on private stations and not on C.B.C. stations. This situation may largely correct itself before the next election, although that depends on how fast these private stations get established and how soon the election is. It may be that there will be some place where there will be a C.B.C. station and no private television and we will have the anomaly we had before. I think this a matter which in some way or other ought to be brought to the attention of the board of broadcast governors so that whatever else is done there will be uniformity.

I understand there are a few places, most of them of Newfoundland—small places such as there are on the mainland such as Corner Brook, Grand Falls and Gander—where there are radio stations and where I believe there has been an exception made because there are no private stations so that local broadcasts can be made. This is a subsidiary problem.

To come to the two main problems, it seems to me there is first of all the problem of national broadcasting. I may say that my friend Mr. Caron and I are in substantial agreement about this and probably we represent most of our friends in this matter. Our view is that the national broadcasting should be all sustaining time and that there should be no national broadcast paid for. I would like to see a formula put into the act for the division of the time, even if a ceiling on the time is not put into the act but is left for negotiation. Of the various formula which have been suggested at previous meetings I think our preference would be for the British system which seems to work very well. It is a pretty fair compromise between the position our party took in the past and the position Mr. Bell's party took in the past. It would save the faces of both and would of course have the additional sanction of the British precedent.

Then there is the other problem in which I will try to be as brief as possible; it is the problem of local broadcast by individual candidates. Here I am putting forward what I think is a pretty radical suggestion but I think a very fair one and one that would have the additional effect of helping to control the costs of elections which I hope all of us think is a very desirable thing. I mean the cost of political parties in elections. It would have the effect

of increasing the cost of the election to the treasury which I think is absolutely necessary if we are to reduce the cost to parties. I think we should be honest and face that. I am putting forward a specific problem, not that I am absolutely wedded to it, but just as an example, that every candidate who is nominated in a constituency who is a representative of a party that had at least 20 per cent of the vote in that constituency in the previous general election should be entitled to half an hour of time on radio and ten minutes time on television, not all in a block, and that this should be paid for as a part of the expenses of the election in order to enable the candidates to make their views known to their constituents. Any other candidate, an independent candidate or one representing a party which did not get 20 per cent of the vote, should be entitled to buy time at whatever rate the government has to pay for the sustaining time, for the same amount of time, but that he should get a refund of that if he does get 20 per cent of the vote in the subsequent election. This would have the effect, of course, of making any nuisance candidates or frivolous candidates, or candidates who did not have any substantial support in the constituency, pay for his own time. It would mean that anyone who represented any substantial point of view would be able to place his views, and his face if there is television available, before the electorate. In that way this would not be something that he would have to go about the country soliciting campaign funds for.

Mr. BELL (*Carleton*): In order that I understand Mr. Pickersgill clearly, would it then be impossible to purchase time beyond the half hour on radio and the ten minutes on television?

Mr. PICKERSGILL: I would say yes, but I do not think that is essential to this proposal; I think, however, it would be desirable. I think that competitive action for time is very undesirable. I have said so before and I say so again. I would not say, however, that the one necessarily excludes the other. This proposals at least would mean, in every place where there is radio or television coverage that every candidate who had any substantial support would have an opportunity to place his views before the public at public expense so that there would be a fair opportunity for everyone to be seen and heard.

I do not want to take up a lot of time, sir. I think that sets out the view.

Mr. BELL (*Carleton*): Mr. Chairman, may I comment on what Mr. Pickersgill has raised. His first point, of course, is it should be only sustaining time on the national network. I think that has been the case in recent years and certainly, so far as I am concerned, I would like to see it continue as such. The principles which have been laid down in the white paper and which have been carried out over a period of years should be upheld.

The second point Mr. Pickersgill raises is whether or not there should be a formula for the total amount of time to be available and he suggests that the division of that amount of time ought to be in the act. Mr. Pickersgill is of the view, I presume, that we should place it there so that he who runs may read it.

After giving a considerable amount of thought to this whole matter—as you know I have been associated with this over quite a lengthy period of years—my own conclusion is that to put it in the act would lead to a rigidity and inflexibility which would be undesirable. I doubt very much if in this committee we could reach agreement on a formula which we could write into the legislation. My own view is it would be better for us to continue with the white paper which is a document which initially was worked out by agreement among the parties and which has been amended from time to time, generally speaking, with agreement among the party representatives. I believe



it was only on a couple of occasions that there have been serious differences of opinion between perhaps the two major parties who are involved.

While there are quite a number of things in the white paper which might be improved upon, I think it gives a flexibility which is preferable to any type of formula which at the present time we would be able to write into the act.

Commenting on the third suggestion that Mr. Pickersgill raised, and it is certainly a novel one. It is a suggestion which I have not heard advanced before. My immediate reaction which I have is to inquire why it should be that the treasury should pay for a candidate having the opportunity of using one media of communication to the public and not pay for any other media of communication. After all, radio and T.V. are only two of a number of techniques through which a candidate can communicate his ideas to the public. If in principle it is proper and desirable that the treasury should pay for radio and T.V., then why should it not pay for newspaper advertising and for pamphleteering, and indeed, any other media of communication.

It may well be that in time we will have to come to that stage of the situation, but I would hope certainly, however, that it can be avoided. I believe personally in sturdy independence of the candidate to the greatest possible extent. I am not saying this to condemn out of hand at all the very novel suggestion which Mr. Pickersgill has raised, but I think it is certainly one to which very major thought would have to be given before this committee would be prepared to adopt it. It may well be that Mr. Pickersgill has a certain immediate purpose in mind, which I think perhaps is an educational one for raising an issue and putting it before the committee so it may be studied and thought of by political people, and by others in the days that lie ahead.

Mr. RICHARD (*Ottawa East*): I would just like to say to Mr. Bell that this is not so novel a suggestion, that the time on television be paid for from another source because, at the present time on the C.B.C. outlets our time has been paid for by the state. Your time and my time during elections for the use of the T.V. station here in Ottawa is not paid for by ourselves. The state pays for this, so this suggestion is not novel. The only novelty arises out of the fact that the radio stations have not been receiving the same privilege of being paid by the state in areas where there are private stations.

Mr. BELL (*Carleton*): Well, it is perfectly true where you have these stations that the sustaining time has been provided.

Mr. PICKERSGILL: I think Mr. Richard has laid his finger on the answer to Mr. Bell's point in regard to providing this medium free and not extending it to other fields. That is precisely the portion that has always been there ever since the election of 1940, which was the first election after the establishment of the Canadian Broadcasting Corporation. This suggestion really involves merely the extension of this principle into a field which is still, and I think for a long time to come will be, quasi monopolistic in the sense that newspapers and pamphlets certainly are not. I think Mr. Bell has put his finger on the other point. I think the day is going to come when we are going to find a great many more of these newspapers, if we are to have the sturdy independence of candidates that Mr. Bell and myself desire, will have to be paid out of the treasury.

The cost of elections is becoming so great, especially in urban constituencies,—and I can speak of these with an objectiveness because the cost of elections in my particular constituency is not very great, fortunately, because we have no radios or newspapers in my riding, and a lot of the other advances



that are enjoyed by other parts of Canada,—but the cost of elections is becoming very great. The amount of money that political parties have to raise in order to conduct these elections is becoming so great that there is a real threat to the independence of candidates and to the independence of elected members. The cost is far greater, in my view, when charged to that source than it would be if it were charged impartially to the state and extended to all those who are able to acquire substantially support from the public.

Mr. MCGEE: Approaching this problem backwards, Mr. Chairman—and I will refrain from the obvious comment in respect of the philosophy that when something becomes expensive it is passed along to the good old taxpayer—I think Mr. Pickersgill is not wedded to this, and even if he were, he would find it easier to become unwedded than some other people in this establishment.

Mr. PICKERSGILL: I do not think the taxpayers pay the campaign funds.

Mr. MCGEE: The objection I have to this notion of providing the opportunity, and perhaps in fact imposing an obligation on the taxpayer, is the same objection I had to the proposal in the British law where candidates are entitled to one free mailing, to every constituent. I think that is true. I do not believe in the one free mailing idea, and there was no impediment placed in regard to the percentage of the vote which was either obtained in a previous election or hoped to obtain in the next election. If it is Mr. Pickersgill's point and purpose in providing this restraint, in that you must have 20 per cent of the vote in a previous election or that you are fairly certain and hopeful of getting that percentage in the next election, that he feels this is going to drive away the type of person who is using a candidacy as an opportunity for personal publicity or closely related business publicity, then I suggest that surely this is going to have the reverse effect. You have the opportunity of using an hour's time on T.V.

Mr. PICKERSGILL: No, I said in minutes.

Mr. MCGEE: You have the opportunity of using ten minutes on T.V., or half an hour on radio, and actually whether an individual expected to get one per cent of the vote or not, surely this would be worth the price of admission, and certainly his original purpose, be it frivolous or some other purpose, would be served.

Coming back to the general tenor of Mr. Pickersgill's remarks concerning this matter of campaign fund and the expense involved, there has been, as I indicated to the committee, a tremendously successful effort in the United States to derive campaign funds on a private basis.

As I indicated at an earlier meeting this effort resulted in the raising of \$15,000,000 divided in proportion to the two major parties in the United States where a new campaign is getting under way again.

I have had very favourable response from several national organizations in this country in regard to their willingness to cooperate on this type of a campaign in respect of the next federal election. In other words, it is an effort made by political parties who, I am sure will support the general proposal, to provide and make available the money which everyone recognizes is needed to convey information to the public during an election campaign rather than putting it back on the taxpayer.

As I say, I hope that with thoughtful consideration, Mr. Pickersgill may break off his engagement to this idea.

Mr. PICKERSGILL: I would put forward a second idea, sir. This is perhaps a more realizable and immediate goal. Would there be any possibility of putting some limitation upon the total amount of time that the individual candidates

could use, no matter who pays for it? It seems to me that this would be a very salutary thing from every conceivable point of view.

Mr. LAMBERT: Mr. Chairman, I think that we are compelled to recognize that there is a very fundamental difference in the type of ridings that exist in this country. I say this because in a very specialized and very large urban riding such as that represented by Mr. McGee and that represented by myself, because I have a population of about 150,000 concentrated in a very narrow area, and people do develop social habits, and the only way we are able to see them is through television. An attempt to see the individuals personally is absolutely impossible. Whereas, if you have a riding where the total population consists of 30 or 40 thousand, and there are some ridings in this country where there are only 20 to 25 thousand electors which means a population of 40 or 50 thousand, it is comparatively easy to meet these people either at meetings or individually. To impose a ceiling of time on a candidate in an urban community which has a large population is putting him in a very invidious or unfair position.

Mr. CARON: On the other hand, if you do not limit the time, then the whole set-up including television may involve political broadcasts for a month or more. You spoke a moment ago in regard to urban areas only. I think this situation exists in respect to every riding now. People are not looking forward and going to political meetings as they at one time did. The only method of communicating with them is through the use of television. This has got to be limited to a certain extent because people are perhaps becoming tired of having so many political broadcasts on television.

Mr. MCGEE: The situation that Mr. Caron speaks of cannot obtain, can it, in view of the regulations of the Board of Broadcast Governors? Surely certain restrictions and restraints imposed before a licence is granted in regard to the limitation of time that can be devoted to certain types of broadcasting now exist.

I would suggest to Mr. Lambert, who has apparently got a pocket borough in Edmonton somewhere, that I have a quarter of a million people in my riding, and the problem of which he speaks of course is doubled.

Mr. PICKERSGILL: My heart bleeds for both Mr. McGee and Mr. Lambert. It is true that there are only about 45,000 in my constituency and only about 300 miles of coastline to cover in order to visit them, and it is obviously a great deal easier for me to do this than for them.

Mr. VALADE: I would just like to take up the point Mr. Caron has raised, Mr. Chairman, in his suggestion that there may be too much political campaigning over the T.V. network. While I am in accord with a portion of his suggestion, I might say that I was down in the United States during a state campaign and there were six or seven T.V. networks that were full of political T.V. programs, and it was my impression that everyone was very much interested and seemed to be happy to listen to these political broadcasts on television.

I think Mr. Castonguay shares my opinion that according to the statistics people are sometimes interested in following political campaigns.

We find in some ridings that a very small percentage of people voted until the television broadcasts created more interest by bringing the political issues before them. I do not believe that we will ever have too much political campaigning during an election. People elect the government and therefore they must be fully aware of the programs. I think the television medium is a very good one to let people know what is happening.

I disagree with Mr. Caron that there may be too much political campaigning on T.V. if we give consideration to Mr. McGee's observations.



Mr. LAMBERT: On that score, Mr. Chairman, I think you will recall that I indicated some time ago that there is in the regulations of the B.B.G. governing radio and television, and I quote "the public shall be secured against an excessive amount of political broadcasting to the exclusion of entertainment and other normal program material."

Mr. BELL (*Carleton*): What section is that, Mr. Lambert?

Mr. CARON: What does "excessive" mean? I believe that this would depend on the view of the people who are directing the programming.

Mr. ORMISTON: Who is going to say what is excessive?

Mr. CARON: Furthermore, in regard to your suggestions in respect of spot advertisement and that kind of thing, which you made a few meetings ago when you were speaking about the candidate who had a small political fund available for his campaign, if we permit a candidate to buy as much time for as long as he wishes, this will impose a distinction against the poor candidate and in favour of the richer one, and I feel that this certainly is not democratic. This is the reason why we must place to some extent a limitation on the time to be used. Whether the time available is limited to ten minutes is not my concern, but it should be limited all over the country. This will permit the candidate who does not have access to a large campaign fund regardless of whether he is personally rich, to get on with his campaign.

Mr. BELL (*Carleton*): I think Mr. Lambert has put his finger on the real problem here, and that is the diversity of ridings. Some ridings, in order to be covered require the use of several stations which may cover actually the same territories. In my own riding I have had to use three radio stations and one T.V. station. I am sure that there are many other candidates who must use more than that. On the other hand, there are ridings where practically everyone in the riding listens to only one radio station and watches only one T.V. station. That very diversity makes it difficult to say that X number of hours shall be used and that number only because, if you divided that money among a group of stations then you are certainly not securing as thorough, proper and argumentative coverage in the area of that riding as you would in another riding where one radio station serves.

Mr. PICKERSGILL: Mr. Bell, if I may interrupt I might say that this is one point I did not cover. I was referring to each station. My view would be that if there are two stations covering an area the candidate should be able to use both because otherwise,—and you are quite right,—you would not and could not possibly cover it.

Mr. BELL (*Carleton*): You then have the situation where you have excessive coverage probably in some areas. Let us consider the immediate local area which has three licensees and a fourth one in prospect. If you had a certain amount of time for covering the city of Ottawa you are perhaps getting more absorptive coverage than you would get in another area such as Smiths Falls where one station covers the situation. I personally think that because of the very diversity of the country that a limitation probably becomes impossible, and that the only effective limitation is the limitation that the electors themselves are going to impose against a candidate who proceeds to make excessive use of any particular media. Certainly the B.B.G. has tried to impose a limitation in the principles which are put before the radio stations and television stations which say, and I quote from this statement: "the air must not fall under the control of any individual or group influenced by reason of particular wealth or special position".

All of us I believe would like to see that carried out. I think that the considerable number of radio stations that I have dealt with in various parts of the country do not want to interfere with the normal programming to an extent that would become unreasonable. I have found during the last two



elections that one of the problems has been in purchasing time on radio stations during the heavy listening hours. You are able to purchase all kinds of listening time when everyone is watching T.V., but it is very difficult to purchase broadcasting time from the majority of radio stations across the country during the breakfast hour, and this imposes a very effective limitation.

The CHAIRMAN: I wonder if at this stage the committee members would like me to call upon Mr. Lambert to make a few observations in regard to the suggestions and discussion in respect of this general question.

Mr. LAMBERT: Mr. Chairman, I am not trying to be motivated by my own personal observations and by my own personal prejudices in respect to this. First of all I would like to draw the attention of the committee to the present situation where the B.B.G. has laid out certain principles. The first one is with respect to the purchase of time on private stations. The present regulation provides that each station, and I quote: "shall allocate time for the broadcasting of programs, advertisements or announcements of a partisan political character on an equitable basis to all parties and rival candidates." That is one principle.

There is another principle whereby private stations are bound, and that is the one I referred to a few minutes ago, in that there shall not be an excessive amount of political broadcasting to the exclusion of entertainment and other normal program material. What to one person may be excessive, to another person may not. Perhaps it depends on how partisan an individual may be in respect of what he considers any excessive amount. I think if an individual had made up his mind as to whom he was going to vote for, then everything that another candidate said might be considered to be excessive by that individual. What is one person's meat is perhaps another person's poison. I do not think that a hard and fast, or rigid limitation in this regard would be of any material benefit at the present time.

Mr. HENDERSON: Mr. Chairman, in my riding I must use five stations without overlapping because of the geography and position of the country. I even use the facilities of radio stations located outside my constituency. The radio station at Kamloops covers part of my area that does not have any other coverage. The station located at Grande-Prairie covers the Dawson Creek area to a limited extent. That is the only overlapping that exists. There are two mountain ranges existing there. After you leave the Dawson Creek area and proceed towards the Hart highway, reaching what they call the summit, you find there is no radio reception there at all. There exists a dead spot through the country. There are a lot of individuals living in this area.

Mr. LAMBERT: Mr. Chairman, referring to the theory put forward by Mr. Pickersgill in regard to the paid time on each radio station or television station, the disparity in constituencies does make it rather difficult. I know, for instance, there are some constituencies in the province of Alberta in rural areas where one radio station covers the total riding; but in Edmonton I have three commercial English language stations and one commercial French language station. If the province of Alberta is successful in their mooted application for a commercial licence for their present station we will have a fourth English language commercial station. There are to be two television stations. Now, I have a definite unfair advantage over a neighbour candidate who lives perhaps one hundred miles away but has access to only one station, and this advantage is to be paid for by the state. I do not feel that you can reconcile this situation.

Mr. PICKERSGILL: I think you can reconcile this position without any difficulty because after all, all candidates in each constituency would be on the same basis, and that is all that matters. I would not expect in my constituency that I or any of my opponents would make anything like as

many broadcasts or use as much time as the candidate in the metropolitan constituencies. I would consider such usage ridiculous. The fundamental reason I have put forward the suggestion which I have put forward is that I believe that it would be a step in the direction of making elections equal to all parties and electors without the necessity that exists at the present time of raising these huge sums by contribution for this purpose. Anyone who feels that campaign funds are not ultimately paid by the taxpayer should do a little studying, because I suggest that campaign funds that have to be collected for elections cost the taxpayers a great deal more than it would cost them if these things were done directly out of monies from the treasury; because then the actual cost would be all that was paid. I am not suggesting that there is going to be a bigger charge against the economy of the country than against the government in conducting elections at this time. However, Mr. Chairman, I think Mr. Bell perhaps was right,—reluctant as I am to admit that,—at the beginning, when he said that there was no real hope of our reaching an understanding, or an agreement, perhaps I should say because the word “understanding” is ambiguous, at the present time in view of the fact that this is the 102 day of this session of parliament, and because there are a lot of other committees sitting. I do not feel that even if we had many more meetings we would arrive any closer to an agreement at this time.

I am not going to make this a motion, but I personally would be inclined to suggest that in some way or another we should indicate that this matter ought to be studied further at the next session of parliament, and that we conclude our deliberations so that we can spend more of our time dealing with some of the other subjects that are before the committees which are sitting at the present time and where some of us ought to be.

Mr. BELL (*Carleton*): I would just like to make one comment in respect to Mr. Pickersgill's suggestion that campaign funds cost the treasury more than—

Mr. PICKERSGILL: Cost the economy more, I said.

Mr. BELL (*Carleton*): Yes, costs the economy more. I would not want this statement to appear unchallenged. I do not want to debate this now, but I want to say to him that that is not so in my experience, and I disagree with him entirely. I do not think this is the time to debate it, but I just did not want his comment to appear as unchallenged on the record.

Mr. PICKERSGILL: Mr. Bell as usual has taken a good Conservative position. I suspect that about five years from now, when the suggestions I have put forward have been adopted to some extent, that the Conservative party will think that they originated them.

Mr. LAMBERT: My contribution here will be of a non-political type. I would suggest that with the development of television and with the competing stations possibly within the next year or two, forming an alternative network to the present national network to the C.B.C., our experience will be better, possibly having experienced another election; and I would suggest to you that the B.B.G. would be better experienced in respect of political television broadcasting. As I say, if within the next two years we have this experience, and if it does follow that after examination of some of the principles and regulations of the B.B.G. it is considered that this suggestion should be written into the act, then that might be the time to do it.

Mr. PICKERSGILL: I think there is a great deal of merit in what Mr. Lambert says.

Mr. RICHARD (*Ottawa East*): I quite agree that this matter should be deferred. I further agree with Mr. Pickersgill's suggestion that a maximum could be placed on what a candidate should be entitled to in respect



of T.V. My main objection is that I think the regulations of the B.B.G. are quite broad at this time. The B.B.G. has quite a lot of power. I am not anxious to hamstring or tie down the private or commercial stations. They are just beginning in this game. They are on trial and I would not like to see them tied down with regulations in this act or any other act any more than they are at the present time. The principles are written there, and I think the situation should be left to them to work out. I believe they ought to be given the chance to continue at least through another election.

Mr. PICKERSGILL: One thing I would like to make very clear, Mr. Chairman, if I could, since I put forward the proposal, and that is that my proposal was certainly not directed at imposing upon either the national broadcasting service or the private broadcasters the charge in regard to the time used by the candidates. My view is that if this suggestion is followed these stations should be paid at the rate they would otherwise receive from other sources of revenue, and that the cost should be recognized as a cost of elections and not made an expense either of the C.B.C. or the private stations. I think that would be wholly unfair.

The CHAIRMAN: It looks as though we are nearing the end of this meeting and the end of our series of meetings for this session, unless there is some violation of our privileges which comes up to put us back into session. I would like to say that we have had a great many meetings this session which have been very interesting. I would like with my usual brevity to express my thanks to those individuals with whom we have been working very closely during this session. Mr. Castonguay and Col. Anglin have been here day in and day out and have been most helpful with their suggestions, and I would like to thank especially them and their staff for the really rapid production of the report last week. Our clerk has been a most efficient and helpful person. Mr. Lambert and the members from the Department of National Defence have given us excellent help. Perhaps most of all I would like to thank the members of this committee who have been faithful in their attendance at this premier committee. We have probably waited less in getting a quorum in this committee than in many others. Some individuals have said that we have meetings like seminars here, and perhaps the meeting this morning was one of them; but there has been a lack of partisanship and a great amount of good will and I feel that that is very important. If we could not take this little mechanism of our political democracy and make it work I feel it would be an unfortunate reflection upon us. That has not been the case. We have been very successful with this very important piece of democratic apparatus and I would like to thank you all.

Mr. BELL (*Carleton*): Mr. Chairman, perhaps you will not listen to this, but I think the members of this committee would not wish to break up without referring to our very generous appreciation of the chairman himself. He has been clear-headed, firm when necessary and has been an outstanding Chairman in all particulars. I am sure every member of this committee has enjoyed very much working under his direction.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I was going to say a little more than that, but I just want to say that I feel the reason that this committee has worked so well is because you were the Chairman. You have displayed a great deal of good sense and knowledge in directing the meetings of this committee. I think it is evident to all of us that you have studied everything that has come before us and dealt with them in a very excellent manner.

The CHAIRMAN: Thank you very much.











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